

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-187

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 26, 2009

To amend, on an emergency basis, Chapter 3 of Title 47 of the District of Columbia Official Code to make an adjustment to the reprogramming threshold for capital projects and to clarify actions requiring reprogramming and methods of reporting all reprogrammings; to amend Chapter 3 of Title 47 of the District of Columbia Official Code to require the Mayor to submit to the Council specified information pertaining to capital projects of \$1 million or more for Council approval, and to require the Chief Financial Officer to submit to the Council an unaudited report before December 15 of each year on the expenditure of all pooled funds with a value of less than \$1 million and a comprehensive final report for all major capital projects and all minor capital projects in the prior fiscal year by February 1; to reallocate certain capital funds; to amend the District of Columbia Procurement Practices Act of 1985 to exempt from statutory approval the annual capital improvement plan and budget for the Highway Trust Fund unless it is submitted to the Council in the format and detail required by the fiscal year 2010 budget; to establish a capital project support fund; to require that all capital library funds be separated by project; to amend the Office of Property Management Establishment Act of 1998 to require the Office of Property Management to charge District employees a market-rate fee for parking spaces and to require the revenue from the increase to be deposited in the General Fund of the District of Columbia in fiscal years 2010 through 2013; to approve the purchase option for 225 Virginia Avenue, S.E.; to authorize the electric company to implement advanced metering infrastructure, to authorize the electric company to establish a regulatory asset for the costs, including depreciation and amortization expense, to reserve the ability of the Public Service Commission to review the prudence of actual expenditures made by the electric company, to obligate the electric company to demonstrate that its costs are prudently incurred, and to require the electric company to net any utility cost savings resulting from advanced metering infrastructure deployment from the cost recovery sought each year; to reallocate capital funds under the authority of the Deputy Mayor for Planning and Economic Development; to prevent the proposed relocation of the headquarters of the Fire and Emergency Medical Services Department and the headquarters of the Department of Corrections from the Grimke School building to the Patricia R. Harris Education Center; to amend the Rental Housing Act of 1985 to provide that the Rent Administrator's mailings shall be sent by first-class mail; to amend the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998 to revise the supplements; to amend section 1104 of the School Based Budgeting and Accountability Act of 1998 to change the date for submission of the Master Facilities Plan and Capital Improvement Plan to coincide with the budget timeline; to allocate capital funds from pooled capital funds within the Office of Property Management for the African-American Civil War Museum; to authorize revised

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allocation for projects from funds previously authorized but not allocated in the Fiscal Year 2009 Proposed Financial Plan and Budget; to amend An Act to enable the District of Columbia to receive federal assistance under title XIX of the Social Security Act for a medical assistance program and for other purposes to authorize the Mayor to submit medical assistance plans to the Secretary of the United States Department of Health and Human Services; to require that the Department of Mental Health issue anticipated allocation statements to providers; to require the Mayor to execute an agreement with the Anacostia Boathouse Community Association regarding a permanent relocation site; to amend Title 31 of the District of Columbia Municipal Regulations to increase the fee for interjurisdictional limousine services, and require the Mayor to establish a program to encourage domestic sightseeing tour bus operations; to amend Title 31 of the District of Columbia Municipal Regulations to eliminate the cap on a metered taxicab fare; to repeal the sales tax exemption of section 47-2005(32A) of the District of Columbia Official Code; to amend section 47-305.02 of the District of Columbia Official Code to repeal minimum capital funding requirements for the Office of Public Education Facilities Modernization for fiscal years 2010 through 2012; to amend Chapter 8 of Title 47 of the District of Columbia Official Code to impose a limitation on owner-occupant residential tax credit; to amend section 47-1803.03 of the District of Columbia Official Code to disallow for income tax purposes certain interest expenses and intangible expenses that are directly or indirectly paid, accrued, or incurred to, or in connection directly or indirectly with one or more direct or indirectly transactions with, one or more related members; to amend the District of Columbia Deed Recordation Tax Act of 1962 to clarify that transfers of shares in a cooperative housing association are subject to taxes levied on the transfer of economic interests; to amend Chapter 44 of Title 47 of the District of Columbia Official Code to authorize the Chief Financial Officer to establish a tax amnesty program; to amend section 47-1803.02 of the District of Columbia Official Code to decouple certain District tax deductions from Internal Revenue Code provisions amended by the American Recovery and Reinvestment Act of 2009; to amend Chapter 44 of Title 47 of the District of Columbia Official Code to reduce the threshold for requiring non-individual income taxpayers to make payments electronically; to make technical amendments to the debt cap legislation; to amend Chapter 3 of Title 47 of the District of Columbia Official Code to make technical amendments relating to borrowing limitations; to provide a tax exemption to the God of Second Chance Ministry; to require that all corporations taxable in the District of Columbia determine, beginning in 2011, the income apportionable or allocable to the District of Columbia by reference to the income and apportionment factors of all commonly controlled corporations organized within the United States with which they are engaged in a unitary business; to amend Title 47 of the District of Columbia Official Code to freeze the homestead deduction, standard deduction, and personal exemption until fiscal year 2013, to increase the retail sales and use tax from 5.75% to 6% for 3 fiscal years, to increase the gasoline tax from \$.20 to \$.235, and to increase the cigarette tax from \$.10 per cigarette to \$.125 per cigarette; to amend Chapter 24 of Title 47 of the District of Columbia Official Code to clarify the definition of a cigarette, to define a cigar, a little cigar, and moist snuff, and to impose a tax on little cigars and moist snuff; to authorize the transfer of certified fund balances from fiscal years 2009, 2010, 2011, 2012, and 2013 special purpose revenue accounts to local funds and to authorize the use of such funds without regard to special purpose limitations; to rescind certain capital projects and

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their associated budget authority; and to authorize the transfer of certified fund balances from fiscal years 2009-2013 special purpose revenue accounts to local funds and to authorize the use of such funds without regard to special purpose limitations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2010 Budget Support Emergency Act of 2009".

TITLE I. GOVERNMENT DIRECTION AND SUPPORT
SUBTITLE A. REPROGRAMMING POLICY AMENDMENT

Sec. 1001. Short title.

This subtitle may be cited as the "Reprogramming Policy Emergency Act of 2009".

Sec. 1002. Chapter 3 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-361(2A) is amended by striking the phrase "centers and responsibility centers" and inserting the phrase "centers, responsibility centers, capital projects, capital sub-projects, and, in a performance-based agency, programs, activities, and object classes" in its place.

(b) Section 47-362(e) is repealed.

(c) Section 47-363 is amended as follows:

(1) Subsection (a) is amended by striking the phrase "any responsibility center of more than \$400,000" and inserting the phrase "any responsibility center, or, in a performance-based agency, of any program or activity of \$500,000 or more" in its place.

(2) Subsection (c) is amended to read as follows:

"(c) The Mayor shall submit to the Council for approval a reprogramming request when an agency proposes to:

"(1) Transfer funds of \$500,000 or more in any fiscal year from one capital project or sub-project to another capital project or sub-project;

"(2) Transfer funds of \$500,000 or more in any fiscal year from one agency to another agency;

"(3) Establish a new capital project or sub-project; or

"(4) Change the capital project or sub-project description to alter the:

"(A) Scope;

"(B) Purpose; or

"(C) Location."

SUBTITLE B. CAPITAL IMPROVEMENT FUNDING

Sec. 1010. Short title.

This subtitle may be cited as the "Capital Project Clarification Emergency Act of 2009".

Sec. 1011. Chapter 3 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

"47-339.01. Capital projects."

(b) A new section 47-339.01 is added to read as follows:

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“§ 47-339.01. Capital projects.

“(a) In addition to the requirements of §§ 1-204.43 and 1-204.44, funds shall not be encumbered, expended, or obligated for a capital project without a written:

- “(1) Description of the scope of the project;
- “(2) Description of the purpose of the project;
- “(3) Estimated fully-funded cost;
- “(4) Estimated impact on the operating budget;
- “(5) Description of its geographic location, including the address and ward;

provided, that planning and other studies as set forth in § 1-201.03(8)(A), or a project established solely to procure capital equipment or information technology equipment, including those projects under the Master Lease program, shall not require a specified location; and

- “(6) A facility name or identifier, if applicable.

“(b)(1) For encumbrances, expenditures, or obligations of \$1 million or more (“major capital project”), if the information required in subsection (a) of this section is not in the annual Capital Improvements Plan of the annual Budget and Financial Plan, or otherwise provided to the Council pursuant to District law, the Mayor shall submit the information required in subsection (a) of this section to the Council for review and approval in accordance with the criteria established in this subsection.

“(2) The proposed change shall be deemed approved by the Council if one of the following occurs:

“(A) During the 10-calendar-day period beginning on the first day (excluding Saturdays, Sundays, and holidays) following its receipt by the Office of the Secretary to the Council, no member of the Council introduces a resolution to approve or disapprove the proposed change; or

“(B) If a resolution has been introduced in accordance with subparagraph (A) of this paragraph, the Council does not disapprove the proposal during the 45-calendar-day period beginning on the first day (excluding Saturdays, Sundays, and holidays) following its receipt by the Office of the Secretary to the Council.

“(3) The requirements of this subsection may also be met by the inclusion of the information required by subsection (a) of this section in a reprogramming request submitted by the Mayor to the Council and shall be deemed satisfied on the date the reprogramming request is approved or deemed approved.

“(4) A proposed resolution may include more than one major capital project; provided, that when there is more than one major capital project under a proposed resolution, the projects are listed by owner agency.

“(5) Expenditures performed on an emergency basis on critical capital projects under the Office of Property Management shall be exempt from the requirements of subsection (a) of this section; provided, that the Mayor shall submit quarterly reports to the Chief Financial Officer and the Council describing any such emergencies, the work performed, and the cost.

“(c) All major capital projects for which funds have been appropriated, in whole or in part, in fiscal year 2008, and all subsequent years, shall comply with the requirements of this act.

“(d) The Chief Financial Officer shall provide to the Council:

“(1) By December 15 of each year, for projects and sub-projects using pooled funding but with a value of less than \$1 million (“minor capital project”), an unaudited report on the expenditure of all pooled funds in the prior fiscal year by agency, location, purpose, and amount; and

“(2) By February 1 of each following year, a comprehensive final report that

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includes the information required by this section for all major capital projects and all minor capital projects in the prior fiscal year.”.

SUBTITLE C. REALLOCATION OF SPECIFIC CAPITAL BUDGET FUNDING

Sec. 1020. Short title.

This subtitle may be cited as the "Reallocation of Capital Budget Funding Emergency Act of 2009".

Sec. 1021. Notwithstanding any prior appropriation, the following funds shall be reallocated in accordance with the Fiscal Year 2010 Proposed Budget and Financial Plan submitted to the Congress as follows:

(1) An amount of \$19.106 million from project PL105C, entitled "Archives Recorder of Deeds Pool" to:

Agency	Project #	Name	Amount
FA0	CTV10C	Tactical Village	\$1,000
AM0	CR006C	Renovation of DC Jail Sallyport	850
AM0	MA218C	Inmate Showers	500
AM0	MA223C	Staff & Visitors Entrance	800
AM0	CR007C	Inmate Processing Center	4,000
EB0	EB407C	Baseball Academy	8,300
HAO	QA501C	Stoddert Recreation Center	2,156
HAO	QJ901C	Purchase and Maintain Boys & Girls Clubs	1,000
KA0	EDL15C	Connecticut Av NW Streetscape (K to N St)	500

(2) An amount of \$60.384 million from project PL106C, entitled "Government Centers" to the following projects; provided, that project funding authorized in this paragraph and included in the Fiscal Year 2009 Office of Public Education Facilities Modernization Funding Second Emergency Amendment Act of 2009, passed on emergency basis on July 31, 2009 (Enrolled version of Bill 18-409) ("OPEFM act"), shall be allocated as directed by the OPEFM act; provided further, that any funds not designated for specific school locations shall not be available for demolitions, repairs, or improvements to facilities no longer in use as schools by the District of Columbia Public Schools ("DCPS") and not scheduled to be put back in use as active schools in the DCPS within the next 3 years:

Agency	Project #	Name	Amount
HAO	QJ901C	Purchase & Maintain Boys & Girls Club	\$ 4,000
GM0	YY132C	Elementary Middle Schools Modernization	3,600
GM0	YY230C	School Stabilization	13,500
CE0	CWM01C	Reserve for African American Civil War Records	4,000
AM0	new	DPW Parking Enforcement branch headquarters (former Meyer ES)	5,000
RM0	HX501C	Improvement to Mental Health Hospital Complex	2,100
GM0	YY630C	Planning	2,200
GM0	SG303C	ADA Compliance	3,500
GM0	SK120C	Athletic Fields and Playgrounds	2,484

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GM0	YY133C	Selected Additions	20,000
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(3) An amount of \$3.744 million from project AWC01C, entitled "District Subsidy to AWC" to:

Agency	Project #	Name	Amount
HAO	Q501C	Stoddert Recreation Center	\$3,744

(4) An amount of \$2,000 from CRV00C, entitled "Master Equipment Lease - Department of Consumer and Regulatory Affairs" to:

Agency	Project #	Name	Amount
HAO	RG003C	Playground Renovation (Shepherd Park ES)	\$1,500
HAO	QN601C	Upshur/Hamilton Community Parks	500

(5) An amount of \$145,000 from project ISMO8C, entitled "Records Management" in the Department of Consumer and Regulatory Affairs to:

Agency	Project #	Name	Amount
HAO	QN301C	Ft. Stevens Rehabilitation	\$145

(6) An amount of \$1.5 million from project EB403C, entitled "Howard Theatre" to:

Agency	Project #	Name	Amount
EBO	EB410C	O Street Market (Grant)	\$1,500

(7) An amount of \$991,000 from project Z0600C, entitled "Firefighting Apparatus Replacement" in the Fire and Emergency Medical Services Department to:

Agency	Project #	Name	Amount
CEO	TEN37C	Tenley Library	\$991

(8) An amount of \$900,000 from project SA301C Metrorail Rehab to:

Agency	Project #	Name	Amount
KA0	ED310C	Cleveland Park Streetscape	\$500
KA0	EDL14C	Lot 59 Improvements	400

(9) An amount of \$50 million from the accounts listed below for the purposes of section 2(b) of the Washington Metropolitan Area Transit Authority Fund Act of 2006, effective June 16, 2006 (D.C. Law 16-132; 53 DCR 4727):

Agency	Code	Project	Amount
KVO	RID01C	Real ID	\$12,525
KA0	GFL02C	Salt Dome	2,800
CB0	EN240C	CSED Capital Project	4,835
AMO	PL-106C	Government Centers	2,475
GAO	NM937C	Rudolph School (former)	1,880
GAO	NK537C	Moore	370
GAO	SG138C	General improvement	1,323
GAO	NF937C	Hardy MS	121
KA0	EDL08C	4th Street improvements	778
KE0	SA301C	MetroRail Rehab	21,454

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KEO	SA302C	Metrorail Name Change	500
AMO	CR004C	No Title	937

SUBTITLE D. TRANSPORTATION CAPITAL PROJECTS REQUIREMENTS

Sec. 1030. Short title.

This subtitle may be cited as the "Transportation Procurement Practices Emergency Amendment Act of 2009".

Sec. 1031. Section 105a(h) of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a(h)), is amended by adding a new paragraph (3) to read as follows:

"(3) For fiscal year 2010, paragraph (1) of this subsection shall not apply unless the annual capital improvement plan and budget for the Highway Trust Fund is submitted to the Council for review and approval in the same format and same detail as required in the FY2010 Proposed Capital Improvement Plan and Budget and accounting for all funding requested with project descriptions and related information."

SUBTITLE E. CAPITAL PROJECT SUPPORT FUND

Sec. 1040. Short title.

This subtitle may be cited as the "Capital Project Support Fund Establishment Emergency Act of 2009".

Sec. 1041. Definitions.

For the purposes of this act, the term:

(1) "Surplus bond funds" means proceeds from the District's bond issuances, including general obligation bonds and income tax secured revenue bonds that are designated to fund certain capital projects and which:

(A) Remain available after the authorized project has been completed or the funds no longer considered necessary;

(B) For a project with a balance of more than \$250,000, no funds have been expended or encumbered for 3 consecutive years, and the agency has not notified the Chief Financial Officer within 30 days of the end of the 3-year period that the agency intends to use the funds to implement the project within 18 months; or

(C) For a project with a balance of \$250,000 or less, no funds have been expended or encumbered for 3 consecutive years.

(2) "Surplus non-bond funds" means funds from sources other than proceeds from the District's bond issuances designated to fund certain capital projects and which:

(A) Remain available after the authorized project has been completed or the funds no longer considered necessary;

(B) For a project with a balance of more than \$250,000, no funds have been expended or encumbered for 3 consecutive years, and the agency has not notified the Chief Financial Officer within 30 days of the end of the 3-year period that the agency intends to use the funds to implement the project within 18 months; or

(C) For a project with a balance of \$250,000 or less, no funds have been expended or encumbered for 3 consecutive years.

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Sec. 1042. Capital Project Support Fund; establishment.

(a) There is established the Capital Project Support Fund ("Fund") to be used to provide funding for qualified capital projects, within which shall be established 2 accounts. One account shall be designated the Bond Account and the other account shall be designated the Non-Bond Account.

(b) All surplus bond funds identified by the Chief Financial Officer shall be deposited into the Bond Account.

(c) All surplus non-bond funds identified by the Chief Financial Officer shall be deposited into the Non-Bond Account, including those from the Local Street Maintenance Fund, Master Equipment Lease/Purchase financing, and Sale of Assets and Pay-as-You-Go capital funding, but excluding funds from federal grants and the Federal Highway Trust Fund.

Sec. 1043. Expenditures from Fund.

(a) Funding for an approved capital project may be provided through redirection in an approved budget and financial plan or through a reprogramming, pursuant to Chapter 3 of Title 47 of the District of Columbia Official Code.

(b) Within 30 days from a request by the Mayor to reprogram the money in the Fund to an approved capital project, the Chief Financial Officer shall certify that the funds are available and the expenditure to support the project is in compliance with this act. If a project is to receive funds from both the Bond Account and the Non-Bond Account, the Chief Financial Officer shall also certify the amount to be funded from each account.

Sec. 1044. Reporting requirements.

(a) The Chief Financial Officer shall submit a written report to the Mayor and the Council on a quarterly basis on the status of the Fund, including the current balance of the Fund, specifying the amount in each account, and a list of the projects supported by the Fund, specifying the account.

(b) An agency that receives an extension pursuant to section 1041(1)(B) or (2)(B) shall submit an activity report and schedule for completion within 120 days of the start of the extension.

Sec. 1045. Washington Metropolitan Area Transit Authority project.

(a) Notwithstanding any other provision of this act, the budget authority for an approved capital project shall be reprogrammed, pursuant to Chapter 3 of Title 47 of the District of Columbia Official Code, for use pursuant to the Washington Metropolitan Area Transit Authority Fund Act of 2006, effective June 16, 2009 (D.C. Law 16-132; 53 DCR 4727) ("WMATA project"); provided, that:

(1) The capital project has been completed or the funds no longer considered necessary and budget authority remains available;

(2) For a capital project with a balance of more than \$250,000, no funds have been expended or encumbered for 3 consecutive years, and the agency has not notified the Chief Financial Officer within 30 days of the end of the 3-year period that the agency intends to use the funds to implement the project within 18 months; or

(3) For a capital project with a remaining budget authority of \$250,000 or less, the capital project has not been funded for 3 consecutive years.

(b) If at any time the Chief Financial Officer determines that certain funds are not needed to meet the requirements of the WMATA project, those funds may be reprogrammed, pursuant to

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Chapter 3 of Title 47 of the District of Columbia Official Code, to any capital project for which the Chief Financial Officer certifies a funding need.

SUBTITLE F. DCPL CAPITAL PROJECT FUND DESIGNATION

Sec. 1050. Short title.

This subtitle may be cited as the "DCPL Capital Project Fund Designation Emergency Act of 2009".

Sec. 1051. District of Columbia Public Library capital funds.

All capital funds for the District of Columbia Public Library shall be separated by individual library project with available balances for each project.

SUBTITLE G. EMPLOYEE PARKING PROGRAM FUND

Sec. 1060. Short title.

This subtitle may be cited as the "District of Columbia Employee Parking Program Fund Amendment Act of 2009".

Sec. 1061. Section 1806k of the Office of Property Management Establishment Act of 1998, effective August 16, 2008 (D.C. Law 12-175; D.C. Official Code § 10-1016), is amended as follows:

(a) Subsection (a) is amended by striking the word "All" and inserting the phrase "Except as provided by subsection (d) of this section, all" in its place.

(b) A new subsection (d) is added to read as follows:

"(d) Beginning on October 1, 2009, the Office of Property Management shall charge District government employees within the employee parking program the same parking rate as market-rate parking within the general geographic area of the parking space; provided, that in no case shall the fee charged be more than \$160 per month per parking space. For fiscal years 2010-2013, the revenue realized as a result of the increase in parking rates under this subsection shall be deposited in the General Fund of the District of Columbia."

SUBTITLE H. PURCHASE OF 225 VIRGINIA AVENUE, S.E.

Sec. 1070. Short title.

This subtitle may be cited as the "Purchase of 225 Virginia Avenue, S.E., Act of 2009".

Sec. 1071. Approval of purchase of 225 Virginia Avenue, S.E. .

Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), and the procedures and requirements of the Office of Property Management Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code §§ 10-1001 et seq.), the Council approves the exercise by the Mayor of the purchase option contained in the District's sublease dated December 15, 2006 between Washington Telecom Associates, LLC, as sublandlord, and the District of Columbia, as tenant, for the real property located at 225 Virginia Avenue, S.E., known for tax and assessment purposes as Lots 21, 36, 37, and 831 in Square 766 (the "Property"), and the Mayor may enter into a contract to purchase the Property in an amount not to exceed \$85.2 million, exclusive of

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the costs of settlement, subject to the availability of budgeted and appropriated funds.

TITLE II. ECONOMIC DEVELOPMENT AND REGULATION
SUBTITLE A. ADVANCED METERING INFRASTRUCTURE IMPLEMENTATION
AND COST RECOVERY AUTHORIZATION

Sec. 2001. Short title.

This subtitle may be cited as the "Advanced Metering Infrastructure Implementation and Cost Recovery Authorization Emergency Act of 2009".

Sec. 2002. Definitions.

For the purposes of this subtitle, the term:

(1) "Advanced Metering Infrastructure" or "AMI" means a system capable of providing 2-way communication with metering equipment to gather at least hourly energy consumption data on a daily basis for all customers.

"(2) "ARRA" means the American Recovery and Reinvestment Act of 2009, approved February 17, 2009 (123 Stat. 115; 26 U.S.C. § 1, note).

"(3) "Commission" means the Public Service Commission.

"(4) "Customer" shall have the same meaning as provided in section 101(12) of the Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1501(12)).

(5) "Electric company" shall have the same meaning as provided in the 15th unnumbered paragraph, beginning "The term "electric company"", of section 8(1) of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 976; D.C. Official Code § 34-207).

(6) "Meter Data Management System" means a system that provides a single data repository which can gather data from multiple metering systems and then supply that data to multiple applications such as billing, forecasting, customer service, system operation, and maintenance.

(7) "Regulatory asset" means specific costs that a public utility may defer to its balance sheet and accrue earnings thereon at its authorized rate of return.

(8) "Smart Grid" means the installation of advanced technology to enhance the operation of the electric distribution and transmission system.

Sec. 2003. Authorization of Advanced Metering Infrastructure implementation (Smart Grid) and cost recovery.

(a) The electric company may implement an Advanced Metering Infrastructure for all consumers; provided, that the electric company obtains a sufficient amount of federal funds for AMI implementation under the ARRA. The sufficiency of the amount of the federal funds obtained shall be determined by the Commission. The Commission shall make a determination of the sufficiency of federal funds obtained within no more than 60 days after the receipt of notice from the electric company of the amount of federal funds awarded.

(b) The electric company may establish a regulatory asset for the costs, net of the amount of the ARRA funds received, including depreciation and amortization expense, incurred by the electric company between base rate cases for the implementation of Advanced Metering Infrastructure, including the amortization expense of the Meter Data Management System, the

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depreciation expense on the AMI meters, and the undepreciated net book costs of the meters replaced by the AMI meters. The regulatory asset shall accrue a return at the electric company's authorized rate of return on the balance in the regulatory asset.

(c) The creation of a regulatory asset for Advanced Metering Infrastructure shall not affect the authority of the Commission to review the prudence of costs associated with implementation of AMI. In any Commission proceeding reviewing the costs, the electric company shall have the burden to prove that all of the costs have been prudently incurred.

(d) The electric company shall net any utility cost savings resulting from AMI deployment from the regulatory asset.

SUBTITLE B. IMPLEMENTATION OF ECONOMIC DEVELOPMENT CAPITAL FUNDS

Sec. 2010. Short title.

This subtitle may be cited as the "Economic Development Capital Fund Implementation Plan Emergency Act of 2009".

Sec. 2011. Notwithstanding any prior appropriation and in accordance with the Fiscal Year 2010 Proposed Budget and Financial Plan submitted to the Congress, the amount of \$1.5 million from the Office of the Deputy Mayor for Planning and Economic Development's capital budget, allocated to the Howard Theater project, number EB403C, shall be allocated to the O Street Market project, number EB410C, to be used for pre-development costs related to the O Street Market project.

Sec. 2012. (a) For fiscal year 2010, the available budget in capital project, number EB402, Pennsylvania Avenue S.E. Properties, shall be utilized to support the Pennsylvania Avenue S.E. Great Streets project ("Pennsylvania Avenue").

(b)(1) In addition to the requirements of sections 443 and 444 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code §§ 1-204.43 and 1-204.44), funds shall not be encumbered, obligated, or expended for any Great Street project established by the Deputy Mayor for Planning and Economic Development and receiving economic development capital funds, including Pennsylvania Avenue, without:

(A) A spending plan for a proposed loan or grant;

(B) The loan or grant agreement;

(C) A statement of financial need; and

(D) A proposed resolution, which shall be submitted to the Council for a 45-day period of review.

(2) The requirements of paragraph (1) of this subsection shall apply to all Great Streets projects established by the Deputy Mayor for Planning and Economic Development, irrespective of when economic development capital funds were allocated.

(3) A single proposed resolution may include more than one loan spending plan.

(c) If the Council does not approve or disapprove the proposed resolution, in whole or in part, within a 45-day period of review, the proposed resolution shall be deemed disapproved.

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TITLE III. PUBLIC SAFETY AND JUSTICE
SUBTITLE A. FEMS AND DOC HEADQUARTERS ACT

Sec. 3001. Short title.

This subtitle may be cited as the "FEMS and DOC Headquarters Emergency Act of 2009".

Sec. 3002. Relocation of headquarters for Fire and Emergency Medical Services Department and Department of Corrections.

(a) The headquarters of the Fire and Emergency Medical Services Department and the headquarters of the Department of Corrections shall not be relocated to or housed in the Patricia R. Harris Education Center and no funds shall be expended for those purposes.

(b) The Mayor shall develop a plan for the permanent relocation of the headquarters for the Fire and Emergency Medical Services Department and the Department of Corrections that shall:

- (1) Be submitted to the Council no later than March 1, 2010;
- (2) Be included in the Mayor's fiscal year 2011 budget and financial plan submission to the Council;
- (3) Include the proposed location for a headquarters for each agency or the location of a headquarters for both agencies;
- (4) Include the time line for relocating the headquarters;
- (5) Include the total costs for relocating the headquarters; and
- (6) Identify funding for relocating the headquarters.

SUBTITLE B. OFFICE OF ADMINISTRATIVE HEARINGS MAILING
CERTIFICATION

Sec. 3010. Short title.

This subtitle may be cited as the "Office of Administrative Hearings Mailing Certification Emergency Amendment Act of 2009".

Sec. 3011. Section 216 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.16), is amended as follows.

(a) Subsection (b) is amended by striking the phrase "by certified mail or other form of service which assures delivery of the petition" and inserting the phrase "by first-class mail" in its place.

(b) Subsection (c) is amended by striking the phrase "by certified mail or other form of service which assures delivery" and inserting the phrase "by first-class mail" in its place.

(c) Subsection (j) is amended by striking the phrase "by certified mail or other form of service which assures delivery of the decision" and inserting the phrase "by first-class mail" in its place

(d) A new subsection (m) is added to read as follows:

"(m) The service of any document in a proceeding under this section, including a petition, hearing notice, and decision, shall be accompanied by a certificate of service specifying, at a minimum:

- "(1) The person served;
- "(2) The date served and by whom; and
- "(3) The manner of service."

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TITLE IV. PUBLIC EDUCATION SYSTEM
 SUBTITLE A. UNIFORM PER STUDENT FUNDING FORMULA FOR
 PUBLIC SCHOOLS AND PUBLIC CHARTER SCHOOLS

Sec. 4001. Short title.

This subtitle may be cited as the "Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Emergency Amendment Act of 2009".

Sec. 4002. The Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901 *et seq.*), is amended as follows:

(a) Section 105 (D.C. Official Code § 38-2904) is amended by striking the tabular array and inserting the following tabular array in its place:

"Grade Level	Weighting	Per Pupil Allocation in FY 2010
"Pre-School	1.34	\$11,752
"Pre-Kindergarten	1.30	\$11,401
"Kindergarten	1.30	\$11,401
"Grades 1-3	1.00	\$8,770
"Grades 4-5	1.00	\$8,770
"Ungraded ES	1.00	\$8,770
"Grades 6-8	1.03	\$9,033
"Ungraded MS/JHS	1.03	\$9,033
"Grades 9-12	1.16	\$10,173
"Ungraded SHS	1.16	\$10,173
"Alternative Program	1.17	\$10,261
"Special ed schools	1.17	\$10,261
"Adult	0.75	\$6,578

(b) Section 106(c) (D.C. Official Code § 38-2905(c)) is amended by striking the tabular array and inserting the following tabular array in its place:

"Special Needs Add-ons:

Level/Program	Definition	Weighting	Per Pupil Supplemental FY 2010
Level 1: Special Education	Eight hours or less per week of specialized services	0.52	\$4,560
Level 2: Special Education	More than 8 hours and less than or equal to 16 hours per school week of specialized services	0.79	\$6,928

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Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services	1.56	\$13,681
Level 4: Special Education	More than 24 hours per week which may include instruction in a self contained (dedicated) special education school other than residential placement	2.83	\$24,819
LEP/NEP	Limited and non-English proficient students	0.45	\$3,947
Summer	An accelerated instructional program in the summer for students who do not meet literacy standards pursuant to promotion policies of the District of Columbia Public Schools and public charter schools	0.17	\$1,491
Residential	D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1.70	\$14,909

"Residential Add-ons:

Level/Program	Definition	Weighting	Per Pupil Supplemental FY
2010			
Level 1: Special Education - Residential	Additional funding to support the after-hours level 1 special education needs of students living in a D.C. Public School or public charter school that provides students	0.374	\$3,280

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	with room and board in a residential setting		
Level 2: Special Education - Residential	Additional funding to support the after-hours level 2 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	1.360	\$11,927
Level 3: Special Education - Residential	Additional funding to support the after-hours level 3 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.941	\$25,793
Level 4: Special Education - Residential	Additional funding to support the after-hours level 4 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.924	\$25,644
Level 5: Special Education - Residential	Additional funding to support the after hours level 4 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	9.40	\$82,438

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LEP/NEP - Residential	Additional funding to support the after-hours Limited and non-English proficiency needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.68	\$5,964
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Special Education Add-ons for Students with Extended School Year Indicated in Their
Individualized Education Programs (IEPs):

Level/Program	Definition	Weight	Per Pupil Supplemental FY
2009			
Special Education Level 1 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.064	\$561
Special Education Level 2 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.231	\$2,026
Special Education Level 3 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.500	\$4,385
Special Education Level 4 ESY	Additional funding to support the summer school/program need for students who require extended school year	0.497	<u>\$4,359</u>

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(ESY) services in their IEPs

Special Education Level 5 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	1.598	\$14,015
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(c) Section 107 (D.C. Official Code § 38-2906) is amended as follows:

(1) Subsection (c) is repealed.

(2) Subsection (d) is amended by striking the phrase "State Education Office" and inserting the phrase "Office of the State Superintendent of Education" in its place.

(3) Subsection (e) is amended by striking the phrase "Board of Education is required to submit its budget request" and inserting the phrase "Chancellor is required to submit his or her budget request" in its place.

(d) Section 107a (D.C. Official Code § 38-2906.01) is repealed.

(e) Section 108 (D.C. Official Code § 38-2907) is amended to read as follows:

"§ 38-2907. Education costs excluded from the Formula payments.

"(a) The cost of transportation for students with disabilities, tuition payments for private placements for students with disabilities, and the cost of performing state education functions for the District of Columbia are not covered by the Formula and shall be allocated by the Mayor and Council to the Office of the State Superintendent of Education ("OSSE"), or to another agency as considered appropriate by the Mayor, in addition to the amount generated by the Formula.

"(b) The OSSE, as the state education agency for the District of Columbia, shall perform all state education functions for public charter schools and for DCPS, which are local education agencies."

(h) Section 110 (D.C. Official Code § 38-2909) is repealed.

SUBTITLE B. MASTER FACILITIES PLAN AND SCHOOL FACILITY CIP

Sec. 4010. Short title.

This subtitle may be cited as the "Master Facilities Plan and School Facility Capital Improvement Plan Reconciliation Emergency Amendment Act of 2009".

Sec. 4011. Section 1104 of the School Based Budgeting and Accountability Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D. C. Official Code § 38-2803), is amended as follows:

(a) Subsection (a) amended by striking the phrase "The District of Columbia Public Schools shall, by June 1, 2007, submit to the Council for review and approval a revised and comprehensive multiyear Facilities Master Plan, which" and inserting the phrase "The Mayor shall submit a revised comprehensive multiyear Master Facilities Plan for the District of Columbia Public Schools, public charter schools, and the University of the District of Columbia, developed with the Office of Public Education Facilities Modernization in accordance with this section, along with the Mayor's annual submission of a budget recommendation for public schools to the Council for review and approval, which" in its place.

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(b) Subsection (b) is amended as follows:

(1) The lead-in language is amended by striking the phrase "Facilities Master Plan" and inserting the phrase "Master Facilities Plan" in its place.

(2) Paragraph (6) is amended to read as follows:

"(6) A school-by-school description relating facility needs and requirements to:

"(A) The facility's programmatic usage with specific linkages and relationships to adopted education plans of a local education agency, school district, or institution, including specific plans provided for special education, early childhood education, and career and technical education programs; and

"(B) The statewide education and youth development plan described in section 202 of the Department of Education Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 8-191), and how they permit schools to be centers of the community;"

(3) Paragraph (7) is amended by striking the period and inserting a semicolon in its place.

(4) New paragraphs (8), (9), and (10) are added to read as follows:

"(8) A communications and community involvement plan for each school that includes engagement of key stakeholders throughout the community, including Local School Restructuring Teams, School Improvement Teams, and Advisory Neighborhood Commissions;

"(9) Evidence of coordination of the District's education sector with housing, health and welfare, and economic development policies and plans; and

"(10) The location, planning, use, and design of the District's educational facilities and campuses."

(c) Subsection (c) is amended by striking the phrase "and the Public School Modernization Advisory Committee," and inserting the phrase "the Public School Modernization Advisory Committee, and key stakeholders throughout the community," in its place.

(d) Subsection (d) is amended to read as follows:

"(d)(1) Beginning in fiscal year 2010, a Public School Facility capital improvement plan ("School Facility CIP") shall be updated each fiscal year as part of the Mayor's capital improvement plan for all public facilities, as required by section 444 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 800; D.C. Official Code § 1-204.44).

"(2)(A) The School Facility CIP shall include for each school and other facilities of DCPS, public charter schools, and the University of the District of Columbia, the following information:

"(i) A description of the scope of work to be done and schedule of major milestones;

"(ii) Justification for the work pursuant to the Master Facilities Plan;

"(iii) A full-funded cost estimate of improvements planned for the next fiscal year and the succeeding 5 fiscal years;

"(iv) The estimated cost of operating the improved facility, whether the new cost is more or less than the previous School Facility CIP estimate; and

"(v) The amount of capital funds expended in the prior fiscal year; and

"(vi) The name, address, and ward of each project.

"(B) Each School Facility CIP shall:

"(i) Meet the requirements listed in subsection (b) of this section;

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“(ii) Give due consideration to the record established by the testimony, and any exhibits, during the hearing required by paragraph (3) of this subsection; and
“(iii) Be consistent with the policy of broad public participation, as stated in this section.

“(3)(A) No more than 60 days or less than 30 days prior to the Mayor’s submission of a School Facility CIP to the Council, and upon 15 days public notice, the Mayor shall conduct a public hearing to solicit the views of the public. In no event shall the hearing be prior to the annual submission by the Office of Public Education Facilities Modernization of its proposed budget to the Mayor.

“(B) The Mayor shall transmit the record of the hearing to the Council at or before the public hearing on the annually submitted proposed budget for the Office of Public Education Facilities Modernization.”.

Sec. 4012. Section 203 of the School Modernization Financing Act of 2006, effective June 8, 2006 (D.C. Law 16-123; D.C. Official Code § 38-2973.03), is repealed.

SUBTITLE C. RESERVE FOR AFRICAN-AMERICAN CIVIL WAR RECORDS ACT
Sec. 4020. Short title.

This subtitle may be cited as the "Reserve for African-American Civil War Records Emergency Act of 2009".

Sec. 4021. African-American Civil War Museum funding.

(a) An amount of \$4 million pooled capital funds from within the Office of Property Management shall be available in fiscal year 2010 and \$1 million in capital funds from within the Department of Parks and Recreation shall be available in fiscal year 2011 to the District of Columbia Public Library. The purpose of these funds shall be for the renovation of space in the Grimke School for the African-American Civil War Museum.

(b) Access to these funds is contingent upon Council approval of the proposed plan, including cost, for the museum.

(c) The District of Columbia Public Library shall have authority to negotiate additional floor space in the Grimke School for the African-American Civil War Museum.

SUBTITLE D. OFFICE OF PUBLIC EDUCATION FACILITIES MODERNIZATION FUNDING

Sec. 4030. Short title.

This subtitle may be cited as the "Fiscal Year 2009 Office of Public Education Facilities Modernization Funding Second Emergency Amendment Act of 2009".

Sec. 4031. Notwithstanding the Fiscal Year 2009 Proposed Budget and Financial Plan or section 301 of the Fiscal Year 2009 Balanced Budget Support Temporary Amendment Act of 2008, effective March 21, 2009 (D.C. Law 17-326; 56 DCR 502), the Council authorizes the following allocations for projects from funds previously authorized, but not allocated, in the Fiscal Year 2009 Proposed Financial Plan and Budget:

- (1) An amount up to \$38.4 million to fund ongoing modernization projects at:
 - (A) Wheatley Middle School;
 - (B) Alice Deal Middle School;
 - (C) HD Cooke Elementary School;

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- (D) Savoy Elementary School; and
 - (E) School Without Walls;
 - (2) An amount of \$9.5 million for the completion of design and to begin construction of HD Woodson Senior High School in accordance with the Science Technology Engineering and Mathematics academic model;
 - (3) An amount of \$7.5 million to begin modernization of Eastern High School;
 - (4) An amount of \$1.5 million to continue the development of the designs for Anacostia High School and Wilson High School;
 - (5) An amount of \$6.341 million for Phase I modernizations, identified in the proposed Master Facilities Plan for:
 - (A) Brent Elementary School;
 - (B) Tubman Elementary School; and
 - (C) Burroughs Elementary School;
 - (6) An amount of \$12.537 million for facility additions and new construction at Stoddert Elementary School and Janney Elementary School;
 - (7) An amount of \$8.74 million for athletic field and playground work, including facilities at:
 - (A) Bell/Lincoln High School;
 - (B) Mann Elementary School;
 - (C) Murch Elementary School;
 - (D) Tubman Elementary School;
 - (E) Green Elementary School; and
 - (F) Other athletic facilities identified by the Office of Public Education
- Facilities Modernization ("OPEFM");
- (8) An amount of \$265,000 for auditing of the repair, improvement, and modernization programs; and
 - (9) An amount of \$2.666 million for planning and program management services.

Sec. 4032. Pursuant to the Fiscal Year 2010 Proposed Financial Plan and Budget and the Reallocation of Capital Budget Funding Emergency Act of 2009, passed on emergency basis on July 31, 2009 (Enrolled version of Bill 18-409), the Council authorizes the following projects, in the following amounts, to be carried out by OPEFM:

- (1) Phase I. Elementary, Middle Schools Modernization program, including critical system repairs to Hart Middle School and Ferebee Hope Elementary School (\$3.6 million);
- (2) Projects in the stabilization program city-wide (\$13.5 million), including the following:
 - (A) Air conditioning of the Coolidge High School gymnasium and the Banneker High School auditorium (\$2.1 million);
 - (B) Window replacements at Kimball Elementary School, Maury Elementary School, and Ketcham Elementary School (\$4.35 million);
 - (C) Security doors at Hart Middle School (\$550,000);
 - (D) Roof replacement at Brent Elementary School (\$800,000); and
 - (E) Installation of a computer lab at Anacostia High School (\$275,000);
- (3) Projects in a new program, Elementary Athletic Facilities and Playgrounds (\$2.48 million), to include improvements at the following elementary schools:
 - (A) Orr;

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- (B) Terrell McGogney;
 - (C) River Terrace; and
 - (D) Kenilworth;
- (4) Projects in the Selected Additions and New Construction program (\$20 million), including:
- (A) Advancing the start of construction of a new Dunbar High School to fiscal year 2010 (\$9 million); and
 - (B) Stoddert Elementary (\$11 million);
- (5) Planning to support development of individual projects and completion of a comprehensive Master Facilities Plan (\$2.2 million); and
- (6) Improvements required by the Americans with Disabilities Act, approved July 26, 1990 ((Pub. L. No. 101-336; 104 Stat. 327), including at Banneker High School and Beers Elementary School (\$3.5 million).

Sec. 4033. The Mayor shall provide to the Council information and estimates for all the projects listed in section 4032, as required by law, prior to submission of contracts.

SUBTITLE E. CHARTER SCHOOL FACILITIES ALLOTMENT

Sec. 4040. Short title.

This subtitle may be cited as the "Charter School Facilities Allotment Reform Amendment Act of 2009".

Sec. 4041. Section 109(b-1) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2908(b-1)), is amended by striking the figure "\$3,109" and inserting the figure "\$2,800" in its place.

TITLE V. HUMAN SUPPORT SERVICES

SUBTITLE A. MEDICAL ASSISTANCE PROGRAM

Sec. 5001. Short title.

This subtitle may be cited as the "Medical Assistance Program Emergency Amendment Act of 2009".

Sec. 5002. Section 1(a) of An Act to enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02(a)), is amended by adding a new paragraph (3) to read as follows:

"(3) Review and approval by the Council of the Fiscal Year 2010 Budget and Financial Plan shall constitute the Council review and approval required by paragraph 2 of this subsection of any modification or waiver to the state plan required to implement during fiscal year 2010 an initiative to:

- "(A) Utilize Disproportionate Share Hospital funding to support the transition of individuals into health insurance programs through the modification of the Disproportionate Share Hospital qualification and distribution methodology;
- "(B) Change service limit methodology for personal care aide services;
- "(C) Enhance prescription drug utilization and review activities;
- "(D) Reduce reimbursement rates for prescription drugs to align pharmaceutical spending with national payment trends;

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- “(E) Change methodologies for recovering improper payments;
- “(F) Obtain available State Children’s Health Insurance Program funding for immigrant children and pregnant women;
- “(G) Shift coverage for unborn children of undocumented immigrants from the D.C. HealthCare Alliance to Medicaid;
- “(H) Implement a new methodology for fee-for-service inpatient hospital reimbursement; and
- “(I) Reduce disallowances for public provider agencies.”.

SUBTITLE B. MENTAL HEALTH ANNUAL ALLOCATION NOTIFICATION

Sec. 5010. Short title.

This subtitle may be cited as the "Department of Mental Health Funding Allocation Emergency Act of 2009".

Sec. 5011. Statement of anticipated funding.

No later than 30 days before the first day of a fiscal year, the Department of Mental Health shall issue to each certified mental health rehabilitation service provider a statement of anticipated annual funding. The statement shall include language that the anticipated funding level is subject to change based upon actual budget availability and at the discretion of the Department of Mental Health.

TITLE VI. PUBLIC WORKS

SUBTITLE A. ANACOSTIA BOATHOUSE

Sec. 6001. Short title.

This subtitle may be cited as the "Anacostia Community Boathouse Association Relocation Emergency Act of 2009".

Sec. 6002. Anacostia Community Boathouse Association relocation.

No later than January 1, 2010, the Mayor shall execute an agreement with the Anacostia Community Boathouse Association ("ACBA") to either:

(1) Affirm the District’s commitment as set forth in the 11th Street Bridges Project Environmental Impact Statement ("EIS") and Record of Decision to relocate ACBA to the Washington Gas site, located on the Anacostia River adjacent to the 11th Street Bridge, following environmental remediation; or

(2) Provide an alternative site capable of meeting the EIS objective or fully supporting ABCA’s operations, as adjudged by a third-party boathouse expert appointed with the approval of the District, ACBA, and the member of the Council of the District of Columbia for Ward 6.

SUBTITLE B. INTERJURISDICTIONAL LIMO AND TOUR BUS FEES

Sec. 6010. Short title.

This subtitle may be cited as the "Interjurisdictional Limo and Tour Bus Emergency Amendment Act of 2009".

Sec. 6011. Section 1216 of Title 31 of the District of Columbia Municipal Regulations (31 DCMR § 1216) is amended as follows:

(a) Subsection 1216.4 is amended by striking the phrase "shall be two hundred dollars (\$200)." and inserting the phrase "shall be four hundred dollars (\$400)." in its place.

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(b) A new subsection 1216.22 is added to read as follows:
"1216.22. Two hundred dollars (\$200) of the annual fee in section 1216.4 shall be used to increase enforcement of this section, including:

- (1) Providing a list of approved limousine services to District hotels for service within District boundaries with a copy of applicable regulations; and
- (2) Instituting a fine schedule for hotels that do not comply with this section.

Sec. 6012. Establishment of domestic sightseeing tour bus program.

(a) The Mayor shall establish a new program to encourage domestic sightseeing tour bus operations, which shall include setting a yearly fee schedule for tour bus operators to encourage operators to register their vehicles in the District within 90 days.

(b) All District-based tour bus companies shall have a discounted fee.

(c) All revenue raised from the fee schedule shall be transferred to the Department of Parks and Recreation to be used for environmental recreation programs.

SUBTITLE C. TAXICAB FARE CAP ELIMINATION

Sec. 6020. Short title.

This subtitle may be cited as the "Taxicab Fare Cap Elimination Emergency Amendment Act of 2009".

Sec. 6021. Section 801.5 of Title 31 of the District of Columbia Municipal Regulations (31 DCMR § 801.5) is repealed.

TITLE VII. FINANCE AND REVENUE

SUBTITLE A. SALES TAX APPLICABILITY

Sec. 7001. Short title.

This subtitle may be cited as the "Sale Tax Applicability Emergency Act of 2009".

Sec. 7002. Section 47-2005 (32A) of the District of Columbia Official Code is repealed.

SUBTITLE B. SCHOOL MODERNIZATION FINANCING

Sec. 7010. Short title.

This subtitle may be cited as the "School Modernization Financing Emergency Act of 2009".

Sec. 7011. Section 47-305.02 of the District of Columbia Official Code is amended by repealing subsection (a)(4), (5), and (6) and subsection (b).

SUBTITLE C. REAL PROPERTY FAIRNESS

Sec. 7020. Short title.

This subtitle may be cited as the "Owner-Occupant Residential Tax Credit Emergency Act of 2009".

Sec. 7021. Chapter 8 of Title 47 of the District of Columbia Official Code is amended as follows:

- (a) The table of contents is amended by striking the section designation "47-864.01. Owner-occupant residential tax credit (conditional)." and inserting the section designation "47-864.01. Repealed." in its place.

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(b) Section 47-864 is amended to read as follows:

"§ 47-864. Owner-occupant residential tax credit.

"(a) Real property receiving the homestead deduction under § 47-850 or § 47-850.01 shall receive an owner-occupant residential tax credit.

"(b) The credit under subsection (a) of this section shall be calculated as follows:

"(1)(A) In the case of real property that did not receive the credit under this section in the prior tax year:

"(i) Subtract the current tax year's homestead deduction from the prior tax year's assessed value; and

"(ii) Multiply the amount by 110% to determine the current tax year's taxable assessment; or

"(B) In the case of real property that did receive the credit under this section in the prior tax year:

"(i) Multiply the prior tax year's taxable assessment by 110%; and

"(ii) Subtract from that amount the difference of the current tax year's homestead deduction less the prior tax year's homestead deduction to determine the current tax year's taxable assessment.

"(2) Subtract the current tax year's homestead deduction from the current tax year's assessed value.

"(3) Subtract the current tax year's taxable assessment determined under paragraph (1) of this subsection from the amount determined in paragraph (2) of this subsection.

"(4) If the amount determined under paragraph (3) of this subsection is a positive number, multiply the amount by the applicable real property tax rate to determine the credit for the current tax year.

"(c) The credit under this section shall not apply if:

"(1) During the prior tax year:

"(A)(i) The real property was transferred for consideration to a new owner; or

"(ii) The return required by §§ 42-1103(d) and 47-903(d) was due;

"(B) The value of the real property was increased due to a change in the zoning classification of the real property initiated or requested by the homeowner or anyone having an interest in the real property; or

"(C) The assessed value of the real property was clearly erroneous due to an error in calculation or measurement of improvements on the real property;

"(2) During the prior calendar year, the real property was assessed under § 47-829; or

"(3) During the current tax year, the qualifying homestead deduction applications for dwelling units in a cooperative housing association are:

"(i) Filed for less than 50% of the dwelling units; or

"(ii) Not filed timely for the entire tax year.

"(d) Notwithstanding any other provision of this section, if the entire interest in the real property is transferred to a new owner and the real property no longer qualifies as a homestead pursuant to § 47-850 or § 47-851, the real property shall be entitled to the credit applicable to the installment payable during the half tax year during which the ownership interest was transferred. At the end of the half tax year, the credit shall cease.

"(e) Notwithstanding any other provision of this chapter, if the current tax year's taxable

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assessment of a real property receiving the homestead deduction under § 47-850 or § 47-850.01 is less than 40% of the current tax year's assessed value, the current tax year's taxable assessment for purposes of subsection (b)(1) of this section shall be 40% of the current tax year's assessed value.

"(f) The credit under this section shall:

"(1) Be nonrefundable;

"(2) Be apportioned equally between each installment during the tax year;

and

"(3) Not be carried forward or carried back.".

(c) Section 47-864.01 is repealed.

Sec. 7022. Applicability.

Section 7021 shall apply to tax periods beginning after September 30, 2009.

SUBTITLE D. DISALLOWANCE OF CERTAIN EXPENSES PAID TO RELATED PARTIES

Sec. 7030. Short title.

This subtitle may be cited as the "Interest Expense and Intangible Expense Paid to Related Parties Disallowance Emergency Act of 2009".

Sec. 7031. Section 47-1803.03 of the District of Columbia Official Code is amended as follows:

(a) Subsection (a)(19) is repealed.

(b) Subsection (d) is amended to add a new paragraph (8) to read as follows:

"(8)(A) Any otherwise deductible interest expense or intangible expense if the interest expense or intangible expense is directly or indirectly paid to, accrued or incurred by, or in connection directly or indirectly with, one or more direct or indirect transactions with, one or more related members.

"(B) The disallowance under subparagraph (A) of this paragraph shall not apply to any portion of the interest expense or intangible expense to the extent that the corporation establishes, as determined by the Chief Financial Officer, that:

"(i) The transaction giving rise to the payment of the interest expense or intangible expense between the corporation and the related member did not have as a principal purpose the avoidance of any portion of the tax due under this title;

"(ii) The interest expense or intangible expense was paid pursuant to arm's length contracts at an arm's length rate of interest or price; and

"(iii)(I) During the same taxable year, the related member directly or indirectly paid interest expense to, or the interest expense or intangible expense was accrued or incurred by, a person who is not a related member; or

"(II)(aa) The related member was subject to a tax measured by its net income or receipts in the District, a state or possession of the United States, or a foreign nation that has entered into a comprehensive tax treaty with the United States government;

"(bb) A measure of the tax imposed by the District, a state or possession of the United States, or a foreign nation that has entered into a comprehensive tax treaty with the United States government included in the interest expense or intangible expense received by the related member from the corporation; and

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“(cc) The aggregate effective tax rate imposed on the amounts received by the related member is equal to or greater than 4.5%; provided, that a related member receiving the interest or intangible payment shall not be considered to be subject to a tax merely by virtue of the related member's inclusion in a combined or consolidated return in one or more states.

“(C) A subtraction from federal taxable income shall be allowed from the taxable income of a corporation equal to the amount received as royalties, interest, or similar income from intangibles from a related member, to the extent the related member, with respect to the payment, is denied a deduction under subparagraph (A) of this paragraph or there is a similar deduction denial or addition modification of a state, possession of the United States, or of a foreign nation that has entered into a comprehensive tax treaty with the United States government for intangible expenses or interest expenses paid to related members.

“(D) For the purposes of this paragraph, the term:

“(i) "Aggregate effective tax rate" means the sum of the effective rates of tax imposed by the District of Columbia, states, or possessions of the United States, and foreign nations that have entered into comprehensive tax treaties with the United States government, where a related member receiving a payment of interest expense or intangible expense is subject to tax and where the measure of the tax imposed included the payment.

“(ii) "Intangible expense" means:

“(I) An expense, loss, or cost for, related to, or in connection directly or indirectly with the direct or indirect acquisition, use, maintenance, management, ownership, sale, exchange, or any other disposition of intangible property, to the extent the expense, loss, or cost is allowed as a deduction or cost in determining taxable income for the taxable year under the Internal Revenue Code of 1986;

“(II) A loss related to or incurred in connection directly or indirectly with factoring transactions or discounting transactions; or

“(III) A royalty, patent, technical, or copyright and licensing fee; or

“(IV) Any other similar expense or cost.

“(iii) "Intangible property" means patents, patent applications, trade names, trademarks, service marks, copyrights, and similar types of intangible assets.

“(iv) "Interest expense" means an amount directly or indirectly allowed as a deduction under section 163 of the Internal Revenue Code for purposes of determining taxable income under the Internal Revenue Code of 1986.

“(v) "Related entity" means a person that, under the attribution rules of section 318 of the Internal Revenue Code of 1986, is:

“(I) A stockholder who is an individual or a member of the stockholder's family enumerated in section 318 of the Internal Revenue Code of 1986, if the stockholder and the members of the stockholder's family own directly, indirectly, beneficially, or constructively, in the aggregate, at least 50% of the value of the taxpayer's outstanding stock;

“(II) A stockholder or a stockholder's partnership, limited liability company, estate, trust, or corporation, if the stockholder and the stockholder's partnership, limited liability company, estate, trust, or corporation own directly, indirectly, beneficially, or constructively, in the aggregate, at least 50% of the value of the taxpayer's outstanding stock; or

“(III) A corporation or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the

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party to the corporation under the attribution rules of section 318 of the Internal Revenue Code of 1986, if the taxpayer owns directly, indirectly, beneficially, or constructively, at least 50% of the value of the corporation's outstanding stock.

“(vi) “Related member” means:

“(I) A person that, with respect to the taxpayer any time during the year, is a related entity;

“(II) A component member, as defined in section 1563(b) of the Internal Revenue Code of 1986;

“(III) A controlled group of which the taxpayer is also a component; or

“(IV) A person to or from whom there is attribution of stock ownership in accordance with section 1563(e) of the Internal Revenue Code of 1986.”.

Sec. 7032. Applicability

Section 7031 shall be effective for taxable years beginning after December 31, 2008.

SUBTITLE E. ECONOMIC INTERESTS IN REAL PROPERTY CLARIFICATION

Sec. 7040. Short title.

This subtitle may be cited as the "Economic Interests in Real Property Clarification Emergency Amendment Act of 2009".

Sec. 7041. Section 302b(a) of the District of Columbia Deed Recordation Tax Act of 1962, effective June 14, 1994 (D.C. Law 10-128; D.C. Official Code § 42-1102.02(a)), is amended by striking the phrase "A transfer of an economic interest in real property" and inserting the phrase "A transfer of an economic interest in real property, including shares in a cooperative housing association," in its place.

SUBTITLE F. TAX COMPLIANCE

Sec. 7050. Short title.

This subtitle may be cited as the "Tax Compliance Emergency Act of 2009".

Sec. 7051. Chapter 44 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

" 47-4407. Amnesty for tax periods ending prior to December 31, 2009.”.

(b) A new section 47-4407 is added to read as follows:

“§ 47-4407. Amnesty for tax periods ending prior to December 31, 2009.

“(a) The Chief Financial Officer may establish a program to provide amnesty to a taxpayer liable for the payment of certain Title 47 taxes on returns or reports required for tax periods ending prior to December 31, 2008; provided, that if the Chief Financial Officer shall establish the tax amnesty program for a period ending after December 31, 2008, the tax amnesty program shall apply to tax returns or reports for tax periods ending prior to December 31, 2009.

“(b) Those eligible may receive amnesty from the imposition of any fee under § 47-4405, any fine or other civil or criminal penalty authorized under Chapters 41 or 42 of this title for the failure of the taxpayer to file a return or report, or pay a tax due for certain Title 47 taxes on a return or report that was required to be filed for tax periods as provided in subsection (a) of this

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section.

"(c)(1) The Chief Financial Officer may implement and administer the program for amnesty under this section.

"(2) The Chief Financial Officer may determine the specific dates for the amnesty period.

"(3) Excluding Title 47 real property fees and taxes under Chapters 8, 9, and 12 of this title, any Title 47 payments in lieu of real property taxes and ballpark fees in Chapter 27B of this title, the Chief Financial Officer may determine the specific tax types for which amnesty shall be granted.

"(4) The Chief Financial Officer may:

"(A) Require a taxpayer seeking amnesty to submit the documents or records as the Chief Financial Officer considers necessary to determine the truthfulness or accuracy of a return or report filed pursuant to this section; or

"(B) Subject any return or report filed pursuant to this section to the same audit procedures to which a return or report for the tax type is subjected.

"(5) The Chief Financial Officer may promulgate rules as may be necessary to interpret, administer, and enforce the provisions of this section."

SUBTITLE G. RECOVERY ACT TAX DEDUCTION DECOUPLING

Sec. 7060. Short title.

This subtitle may be cited as the "Recovery Act Tax Deduction Decoupling Emergency Act of 2009".

Sec. 7061. Section 47-1803.02 of the District of Columbia Official Code is amended as follows:

(a) Subsection (a) is amended by adding a new subparagraph (Y) to read as follows:

"(Y) Computations of discharge of indebtedness income under section 108(i) of the Internal Revenue Code of 1986."

(b) A new subsection (a-1) is added to read as follows:

"(a-1) Notwithstanding subsection (a) of this section, for the purposes of the deduction for state sales and excise taxes on the purchase of certain motor vehicles, the term "gross income" shall have the same meaning as provided in section 61 of the Internal Revenue Code of 1986, as that section existed on December 31, 2008."

SUBTITLE H. NON-INDIVIDUAL INCOME TAX ELECTRONIC FILING

Sec. 7070. Short title.

This subtitle may be cited as the "Non-Individual Income Tax Electronic Filing Emergency Act of 2009".

Sec. 7071. Section 47-4402(c) of the District of Columbia Official Code is amended by striking the figure "\$25,000" and inserting the figure "\$10,000" in its place.

SUBTITLE I. LIMITATION ON BORROWING TECHNICAL AMENDMENTS

Sec. 7080. Short title.

This subtitle may be cited as the "Limitation on Borrowing Technical Amendments Emergency Act of 2009".

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Sec. 7081. Chapter 3 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-334 is amended to read as follows:

"§ 47-334. Definitions.

"For the purposes of this subchapter, the term:

"(1) "Debt Service" means the amount of money necessary to pay interest on outstanding District Bonds, including interest payments deferred to future years, the principal on maturing District Bonds, and the required contributions to a sinking fund for District Bonds, but excluding debt service payments rebated to the District pursuant to the American Recovery and Reinvestment Act of 2009, approved February 17, 2009 (123 Stat. 115; 26 U.S.C. § 1 note).

"(2) "District Bonds" means:

"(A) General obligation bonds issued pursuant to the Home Rule Act;

"(B) Treasury capital-project loans;

"(C) Tax supported revenue bonds, notes, or other debt instruments secured by revenues derived from taxes, fees, or other general revenues of the District, or its agencies and authorities, pursuant to the District's power to tax and impose fees, including tax increment financed bonds, notes, or other debt instruments and bonds, notes, or other debt instruments financed by payments in lieu of taxes, but excluding revenue bonds, notes, or other debt instruments issued for the purpose of funding water and sewer facilities, as described in section 490(a) of the Home Rule Act, and bonds, notes, or other debt instruments paid or secured by revenues from the Master Settlement Agreement with tobacco companies, federal grants, or revenues from the operation of public enterprises, so long as those enterprises are fully self-supporting;

"(D) Certificates of participation, and

"(E) Lease purchase financing obligations.

"(3) "District Bond Issuance" means the District's authorizing, selling, and delivering of District Bonds, including District Bonds to refund outstanding District Bonds.

"(4) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

"(5) "Total Expenditures" means the total amount included in the Total Expenditures and Transfers line item in the enacted District Budget and Financial Plan for the General Fund for an applicable fiscal year, plus any Debt Service amounts in an applicable fiscal year on District Bonds for which the Debt Service on such District Bonds is not included in the Total Expenditures and Transfers line item in the enacted District Budget and Financial Plan for the General Fund.

(b) Section 47-335.02 is amended to read as follows:

"§ 47-335.02. Borrowing limitation.

"(a) The Council shall not approve proposed District Bonds if the applicable annual Debt Service on the proposed District Bonds would cause the Debt Service on all District Bonds in the fiscal year in which the proposed District Bonds are issued, or in any of the 3 succeeding fiscal years, to exceed 12% of Total Expenditures in any applicable fiscal year, as contained in the most recently enacted District Budget and Financial Plan.

"(b) Obligations incurred pursuant to the authority contained in subchapter II of Chapter 3 of Title 3, obligations incurred by the agencies transferred or established by sections 201 or 202 of the Home Rule Act, whether incurred before or after such transfer or establishment, and obligations incurred pursuant to District Bonds issued prior to October 1, 1996, for the financing of Department of Public Works, Water and Sewer Utility Administration capital projects shall

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not be included in determining the aggregate amount of Debt Service on all outstanding District Bonds subject to the 12% limitation specified in subsection (a) of this section.

"(c) The 12% limitation specified in subsection (a) of this section shall be calculated by the Office of the Chief Financial Officer as follows:

"(1) Determine the dollar amount equivalent to 12% of the Total Expenditures during the fiscal year for which the proposed District Bonds will be issued and the 3 succeeding fiscal years;

"(2) Determine the actual total amount of Debt Service to be paid during the fiscal year for which the proposed District Bonds will be issued and the 3 succeeding fiscal years for all outstanding District Bonds;

"(3) Determine the amount of Debt Service to be paid during the fiscal year for which the proposed District Bonds will be issued and the 3 succeeding fiscal years; and

"(4) If in any applicable fiscal year the sum of paragraphs (2) and (3) of this subsection exceeds the amount determined under paragraph (1) of this subsection, then the proposed District Bonds or Treasury loan shall not be issued."

(c) Section 47-392.02(j-1) is amended as follows:

(1) Paragraph (3)(A) is amended by striking the phrase "that \$25 million" and inserting the phrase "that not less than \$25 million" in its place.

(2) Paragraph (4) is amended by striking the phrase "Cash Reserve" and inserting the phrase "Cash Reserve, including the \$25 million specified in paragraph 3(A) of this subsection," in its place.

SUBTITLE J. GOD OF SECOND CHANCE TAX RELIEF

Sec. 7090. Short title.

This subtitle may be cited as the "God of a Second Chance Ministry Real Property Tax Relief Emergency Act of 2009".

Sec. 7091. Equitable real property tax relief; exemption from penalties, or fees.

The Council orders that all unpaid real property taxes, interest, penalties, fees, and other related charges assessed against real property located at Lot 0153, Square 5365, be forgiven from the period beginning June 23, 2008, through May 31, 2009, and that any payment already made for this period be refunded.

SUBTITLE K. COMBINED REPORTING REFORM

Sec. 7100. Short title.

This subtitle may be cited as the "Combined Reporting Reform Authorization Emergency Act of 2009".

Sec. 7101. Implementation of combined reporting reform.

Beginning after December 31, 2010, all corporations taxable in the District of Columbia shall determine their income apportionable or allocable to the District of Columbia by reference to the income and apportionment factors of all commonly controlled corporations organized within the United States with which they are engaged in a unitary business.

Sec. 7102. Applicability.

Section 7101 shall apply to tax periods beginning after December 31, 2010.

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SUBTITLE L. REVENUE ENHANCEMENT

Sec. 7110. Short title.

This subtitle may be cited as the "Revenue Enhancement Emergency Act of 2009".

Sec. 7111. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-850(a) is amended to read as follows:

"(a) For purposes of levying the real property tax during a tax year, the Mayor shall deduct \$67,500, increased annually, beginning October 1, 2012, by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50), from the assessed value of real property which qualifies as a homestead. The deduction shall be apportioned equally between each installment during a tax year and shall not be carried forward or carried back."

(b) Section 47-850.01(a) is amended to read as follows:

"(a) For purposes of levying the real property tax during a tax year, the Mayor shall deduct from the assessed value of the real property owned by a cooperative housing association, as determined under § 47-820.01, \$67,500, increased annually, beginning October 1, 2012, by the cost-of-living adjustment (if the adjustment does not result in a multiple of \$50, rounded to the next lowest multiple of \$50), for each homestead located therein. The deduction shall be apportioned equally between each installment during a tax year and shall not be carried forward or carried back."

(c) Section 47-1801.04(26) is amended as follows:

(1) Subparagraph (A) is amended by striking the phrase "beginning January 1, 2009," and inserting the phrase "beginning January 1, 2013," in its place.

(2) Subparagraph (B) is amended by striking the phrase "beginning January 1, 2009," and inserting the phrase "beginning January 1, 2013," in its place.

(d) Section 47-1806.02 is amended as follows:

(1) Subsection (f)(1)(A) is amended by striking the phrase "beginning January 1, 2009," and inserting the phrase "beginning January 1, 2013," in its place.

(2) Subsection (i) is amended by striking the phrase "beginning January 1, 2009," and inserting the phrase "beginning January 1, 2013," in its place.

(e) Section 47-2002 is amended by striking the phrase "5.75%, except for the period beginning June 1, 1994, and ending September 30, 1994, the rate shall be 7%," and inserting the phrase "5.75%, except for the period beginning October 1, 2009, and ending September 30, 2012, the rate shall be 6%," in its place.

(f) Section 47-2202 is amended by striking the phrase "5.75%, except for the period beginning June 1, 1994, and ending September 30, 1994, the rate shall be 7%," and inserting the phrase "5.75%, except for the period beginning October 1, 2009, and ending September 30, 2012, the rate shall be 6%," in its place.

(g) Section 47-2301(a) is amended by striking the phrase "20 cents per gallon, except for the period beginning June 1, 1994, and ending September 30, 1994, a tax of 22.5 cents per gallon," and inserting the phrase "\$.235 per gallon" in its place.

(h) Section 47-2402(a) is amended by striking the phrase "\$.10" and inserting the phrase "\$.125" in its place.

Sec. 7112. Applicability.

Section 7111 shall apply as of October 1, 2009.

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SUBTITLE M. CIGARETTE TAX AMENDMENT

Sec. 7120. Short title.

This subtitle may be cited as the "Cigarette Tax Emergency Amendment Act of 2009".

Sec. 7121. Chapter 24 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-2401 is amended as follows:

(1) Paragraph (1) is amended to read as follows:

"(1) The term "cigarette" means:

"(A) Any roll for smoking containing tobacco wrapped in paper or in any substance other than tobacco leaf;

"(B) Any roll for smoking containing tobacco, wrapped in any substance, weighing 3½ pounds per thousand or less, except those wrapped entirely in whole tobacco leaf that do not have a filter; and

"(C) Any roll for smoking containing tobacco wrapped in any substance, however labeled or named, which because of its appearance, size, the type of tobacco used in the filler, or its packaging, pricing, marketing, or labeling, is likely to be offered to, purchased by, or consumed by consumers as a cigarette as described in this paragraph."

(2) A new paragraph (1A) is added to read as follows:

"(1A) "Cigar" means any roll for smoking, other than a cigarette, made wholly or in part of tobacco and where the wrapper or cover of the roll is made of natural leaf tobacco or any substance containing tobacco."

(3) A new paragraph (3A-i) is added to read as follows:

"(3A-i) "Little cigar" means any cigar, other than a premium cigar, that weighs not more than 4½ pounds per thousand."

(4) A new paragraph (4A) is added to read as follows:

"(4A) "Moist snuff" means any finely cut, ground, or powdered tobacco that is not intended to be smoked. The term "moist snuff" shall not include any finely cut, ground, or powdered tobacco that is intended to be placed in the nasal cavity."

(b) New sections 47-2402.01 and 47-2402.02 are added to read as follows:

"§ 47-2402.01. Little cigar tax.

"A tax is imposed on the sale or possession of little cigars at the same rate per little cigar as is levied per cigarette under § 47-2402.

"§ 47-2402.02. Moist snuff tax.

"A tax is imposed on the sale or possession of moist snuff at the rate of \$.30 per ounce and a proportionate tax at the same rate on all fractional parts of an ounce."

TITLE VIII O-TYPE TRANSFERS AND CAPITAL PROJECT REVISIONS

SUBTITLE A. FISCAL YEAR 2009 TRANSFER OF O-TYPE REVENUE

Sec. 8001. Short title.

This subtitle may be cited as the "Fiscal Year 2009 Additional Transfer of Special Purpose Revenues Emergency Act of 2009".

Sec. 8002. Fiscal Year 2009 Transfer of special purpose fund balances to local funds.

Notwithstanding any provision of law limiting the use of the funds listed in subsections (a) through (y) of this section ("Special Purpose Funds") for special purposes, the Chief Financial Officer shall transfer to local funds and recognize as fiscal year 2009 revenue \$106,240,358 from

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the Special Purpose Funds, as follows:

(a) From certified fund balances in accounts administered by the Office of Property Management, \$238,161, comprised of the following:

- (1) \$94,294 from the Eastern Market enterprise fund; and
- (2) \$143,867 from the rent fund;

(b) From certified fund balances administered by the Office of the Chief Financial Officer, \$3,608,710, comprised of the following:

(1) \$3,337,702 from the compliance and real property tax administration fund; and

- (2) \$271,008 from the bank fees fund;

(c) From certified fund balances in accounts administered by the Office of Contracting and Procurement, \$445,128, comprised of the following:

- (1) \$297,963 from the surplus personal property sales fund; and
- (2) \$147,165 from the supply schedule sales discount and operation fund;

(d) From certified fund balances in accounts administered by the Department of Employment Services ("DOES"), \$8,681,527, comprised of the following:

- (1) \$1.4 million from the special purpose revenue fund;
- (2) \$6.6 million from the unemployment insurance administrative assessment tax;
- (3) \$33,379 from the special purpose revenue fund;
- (4) \$172,607 from the unemployment insurance interest/penalties fund;
- (5) \$400,939 from the DOES relocation fund; and
- (6) \$74,602 from the unemployment insurance administrative assessment fund.

(e) From certified fund balances in accounts administered by the Office of the Tenant Advocate, \$600,000 from the condominium conversion fund (also known as the housing assistance fund);

(f) From certified fund balances in accounts administered by the Department of Consumer and Regulatory Affairs, \$1,159,964, comprised of the following:

- (1) \$794,126 from the occupations and professions licensing fund; and
- (2) \$365,838 from the engineers' fund;

(g) From certified fund balances in accounts administered by the Department of Housing and Community Development, \$3,567,116 from the home purchase assistance fund;

(h) From certified fund balances in accounts administered by the Office of the Deputy Mayor for Planning and Economic Development, \$2 million from the industrial revenue bond program account;

(i) From certified fund balances in accounts administered by the Department of Fire and Emergency Medical Services, \$138,595 from the special events fund;

(j) From certified fund balances in accounts administered by the Office of the Chief Medical Examiner, \$24,450 from the medical examiner fees fund;

(k) From certified fund balances in accounts administered by the District of Columbia Public Schools, \$3,912,603, comprised of the following:

- (1) \$10,000 from the lease income-security deposits fund;
- (2) \$482,301 from the utility reimbursement (Pepco/Washington Gas) fund;
- (3) \$573,614 from the custodial reimbursement fund;
- (4) \$1,137,077 from the security deposits account; and
- (5) \$1,709,611 from the nonresident tuition account;

(l) From certified fund balances in accounts administered by the Office of Public Education Facilities Modernization, \$380,226 from the lease income fund;

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(m) From certified fund balances in accounts administered by the Department of Health, \$5,353,727, comprised of the following:

- (1) \$55,574 from the vital records fee fund;
- (2) \$15,190 from the drug interdiction fund;
- (3) \$446,254 from the food handlers certification fund;
- (4) \$295,733 from the adjudication hearings and fines fund;
- (5) \$52,150 from the professional licensing fund;
- (6) \$82,857 from the animal control license fees fund;
- (7) \$216,290 from the health facility fee fund;
- (8) \$75,902 from the emergency medical services fees fund;
- (9) \$1,286,791 from the health care safety net fund;
- (10) \$15,011 from the adjudication hearings/adjudication fines fund;
- (11) \$1,492 from the other medical licenses and fees fund;
- (12) \$652 from the Medicaid reimbursement-APRA fund;
- (13) \$2,612,651 from the D.C. General collections fund; and
- (14) \$197,179 from the civil monetary penalties fund;

(n) From certified fund balances in accounts administered by the Department of Health Care Finance, \$799,665 from the bill of rights grievances and appeals fund;

(o) From certified fund balances in accounts administered by the Department of Human Services, \$40,000 from the special purpose revenue fund;

(p) From certified fund balances in accounts administered by the Office of People's Counsel, \$191,970 from the advocate for consumers fund;

(q) From certified fund balances in accounts administered by the District Department of the Environment, \$3,131,908, comprised of the following:

- (1) \$207,590 from the renewable energy development fund;
- (2) \$28,159 from the air quality adjudication hearings fund;
- (3) \$106,154 from the water quality adjudication hearings fund;
- (4) \$244,114 from the municipal aggregation account; and
- (5) \$2,545,891 from the sustainable energy trust fund;

(r) From certified fund balances administered by the Department of Motor Vehicles, \$1,136,061, comprised of the following:

- (1) \$235,736 from the out-of-state vehicle registration fund; and
- (2) \$900,325 from the general o-type revenue sources fund;

(s) From certified fund balances in accounts administered by the District of Columbia Taxicab Commission, \$81,949 from the taxicab assessment fund;

(t) \$18.3 million from the certified fund balance available pursuant to section 102(b)(1) and (2) of the Community Access to Health Care Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-288; D.C. Official Code § 7-1932(b)(1) and (2));

(u) From certified balances in the Community Benefit Fund, \$23.409 million;

(v) From certified balances in the Healthy DC Fund, \$13 million;

(w) From certified fund balances in the Nursing Facility Quality of Care Fund, \$16 million;

(x) From certified fund balances in accounts administered by the Department of Insurance, Securities and Banking, \$820 from the insurance recovery fund; and

(y) From certified fund balances in accounts administered by the District of Columbia Public Library, \$21,778 from the Franklin Restitution payment fund.

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Sec. 8003. Fiscal Year 2009 Transfer of special purpose fund to local funds.

Notwithstanding any provision of law limiting the use of the funds listed in paragraphs (1) through (5) of this section ("Special Purpose Funds") for special purposes, the Chief Financial Officer shall transfer to local funds and recognize as fiscal year 2009 revenue \$22,258,000 from the Special Purpose Funds, as follows:

(1) From certified special purpose revenue \$1.4 million from the reversal of the HRSA disallowance;

(2) From certified special purpose revenue \$5.17 million from new legal settlements;

(3) From certified special purpose revenue \$250,000 from the Motor Vehicle Theft Prevention Commission;

(4) From certified special purpose revenue \$2.167 million from the parking tax (originally for PAYGO); and

(5) From certified special purpose revenue \$13.271 million from the Community Benefits Fund.

SUBTITLE B. RESCISSION AND MODIFICATION OF FISCAL YEAR 2009 CAPITAL PROJECT FUNDING

Sec. 8010. Short title.

This subtitle may be cited as the "Capital Projects Modification Emergency Act of 2009".

Sec. 8011. Rescission of capital projects.

(a) The following capital projects and their associated budget authority are rescinded; provided, that the associated budget authority may thereafter be transferred to pay-go capital projects to replace existing budget authority for such pay-go capital projects:

Agency	Project #	Name	Amount
AM0	MA702C	Underground Storage Tank	\$ 300,000
AM0	RG037C	General Improvements	300,000
CB0	EN240C	CSED Capital Project	967,268
AY0	AWC01C	District Subsidy to AWC	7,239,057
BE0	BE501C	Information Technology	279,986
CR0	RPD002	Real Property Database	208,176
DB0	EB201C	Neighborhood	
		Revitalization-Columbia Heights	177,537
EB0	EB310C	Anacostia Waterfront Corporation	775,158
EB0	JA102C	Old Convention Center Study	536,001
ELC	EQ301C	DMV Destiny	291,860
ELC	HC701C	Medicate Management Information	
		System	809,113
ELC	N2401C	Telco Safety And Security	185,000
HA0	QH238C	Wilson High School Pool	200,000
HA0	QK538C	New Fort Greble Recreation Center	100,000
HA0	RN015C	Takoma Pool (Aquatic Center)	274,490
HC0/HT0	HC501C	Community Clinic Construction	1,994,830
KA0	EQ902C	Master Equipment Lease - DMV	121,600

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KA0	FM103C	Heavy Equipment Staging Area	
		and Storage	175,014
KT0	FM603C	Fleet Customer Intake	440,000
KT0	FM604C	Snow Equipment Staging Area	560,000

(b) If the capital budget authority associated with a project listed in subsection (a) of this section is transferred to a pay-go capital project, the pay-go budget authority associated with that pay-go capital project shall be transferred to local funds and recognized as revenue for the fiscal year in which the pay-go funds are budgeted.

Sec. 8012. Modification of capital project funding.

The Chief Financial Officer shall transfer the dedicated tax or special purpose funds associated with the following capital project to local funds and recognize as fiscal year 2009 revenue \$2,167,101 from the following capital projects; provided, that the following capital projects may thereafter be funded with capital funds:

Agency	Project #	Name	Amount
CE0	TPL01C	Temporary space	\$1,867,101
HA0	QS6426	Oyster Adams playground	300,000

SUBTITLE C. FISCAL YEAR 2010 TRANSFER OF O-TYPE REVENUE

Sec. 8020. Short title.

This subtitle may be cited as the "Fiscal Year 2010 Transfer of Special Purpose Revenues Emergency Act of 2009".

Sec. 8021. Fiscal Year 2010 Transfer of O-type funds.

Notwithstanding any provision of law limiting the use of the funds listed in subsections (a) through (ff) of this section ("Special Purpose Funds") for special purposes, the Chief Financial Officer shall transfer to local funds and recognize as fiscal year 2010 revenue \$82,791,821 from the Special Purpose Funds, as follows:

(a) From accounts administered by the Office of Property Management, \$199,990 from the Eastern Market enterprise fund;

(b) From accounts administered by the Office of the Chief Financial Officer, \$715,944, comprised of the following

(1) \$552,902 from the compliance and real property tax administration fund;

(2) \$78,803 from the payroll service fees fund; and

(3) \$84,238 from the service contracts fund;

(c) From accounts administered by the Office of the Secretary, \$22,000 from the distribution fees fund;

(d) From accounts administered by the Office of the Attorney General, \$1,571,413, comprised of the following:

(1) \$1,563,000 from the child support Title IVD incentives fee funds; and

(2) \$8,413 from the driving under the influence fund;

(e) From accounts administered by the Office of Contracting and Procurement, \$123,509, comprised of the following:

(1) \$15,320 from the surplus personal property sales fund; and

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- (2) \$108,189 from the supply schedule sales discount and operation fund;
- (f) From accounts administered by the Office of the Chief Technology Officer, \$10,000 from the ServUS program fund;
- (g) From accounts administered by the Public Service Commission, \$176,540 from the operating-utility assessment fund;
- (h) From accounts by the Office of People's Counsel, \$56,352 from the advocate for consumers fund;
- (i) From accounts administered by the Office of the Deputy Mayor for Planning and Economic Development, \$54,001 from the economic development special account;
- (j) From accounts administered by the Metropolitan Police Department, \$493,638 from the automated traffic enforcement fund;
- (k) From accounts administered by the Department of Corrections, \$669,640 from the corrections trustee reimbursement account;
- (l) From accounts administered by the Office of Administrative Hearings, \$145 from the adjudication fines fund;
- (m) From accounts administered by the District of Columbia Public Library, \$5,000 from the copies and printing account;
- (n) From accounts administered by the Office of the State Superintendent for Education, \$12,651, comprised of the following:
- (1) \$5,651 from the State Superintendent of Education fees account; and
 - (2) \$7,000 from the OPLA special account;
- (o) From accounts administered by the Department of Parks and Recreation, \$86,093 from the enterprise fund account;
- (p) From accounts administered by the Department of Health Care Finance, \$153,798 from the bill of rights grievances and appeals fund
- (q) From accounts administered by the District Department of the Environment, \$1,364,360, comprised of the following:
- (1) \$20,238 from the oil spill fee fund;
 - (2) \$386,745 from the soil erosion and sediment control fund;
 - (3) \$65,465 from the storm water permit review fund;
 - (4) \$4,818 from the renewable energy development fund;
 - (5) \$2,209 from the air quality adjudication hearings fund;
 - (6) \$23,962 from the water quality adjudication hearings fund;
 - (7) \$971 from the wells fund;
 - (8) \$19,560 from the residential aid discount fund;
 - (9) \$7,607 from the residential essential services fund;
 - (10) \$3,391 from the WASA utility discount program;
 - (11) \$42,903 from the municipal aggregation account; and
 - (12) \$786,493 from the sustainable energy trust fund;
- (r) From accounts administered by the District Department of Transportation, \$15,000 from the restoration of public space projects fund;
- (s) From accounts administered by the Department of Public Works, \$523,109 from the solid waste disposal fee fund;
- (t) From accounts administered by the Department of Motor Vehicles, \$168,638, comprised of the following:
- (1) \$21,200 from the out-of-state vehicle registration fund; and
 - (2) \$147,438 from the commercial drivers license fund;

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(u) From accounts administered by the Office of Cable Television, \$942,000 from the cable franchise fees fund;

(v) From accounts administered by the Office of the Deputy Mayor for Planning and Economic Development, \$7.020 million from the neighborhood investment fund;

(w) From the community benefit fund, \$13.271 million;

(x) From the ballpark revenue fund, \$11 million;

(y) From the Healthy DC Fund, \$3.85 million;

(z) From accounts administered by the Office of Property Management, \$1.195 \$2.255 million from the parking fees fund;

(aa) From accounts administered by the District Department of Transportation, \$3.842 million, from the unified fund;

(bb) \$14.84 million from the certified fund balance available pursuant to sections 102(b)(1) and (2) of the Community Access to Health Care Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-288; D.C. Official Code § 7-1932(b)(1) and (2));

(cc) From certified fund balances in the Nursing Facility Quality of Care Fund, \$600,000;

(dd) From accounts administered by the Office of Unified Communications, convert \$6.950 million associated with the E-911 fee to Local;

(ee) From the dedicated tax TIF revenues, \$9.8 million; and

(ff) From additional certified funds from parking and moving violation tickets issued by the District Department of Transportation, \$2 million.

SUBTITLE D. FINANCIAL PLAN TRANSFER OF O-TYPE REVENUE

Sec. 8030. Short title.

This subtitle may be cited as the "Financial Plan Transfer of Special Purpose Revenues Emergency Act of 2009".

Sec. 8031. Financial plan transfer of O-type funds.

(a) Notwithstanding any provision of law limiting the use of the funds listed in subsections (a) through (c) of this section ("Special Purpose Funds") for special purposes, the Chief Financial Officer shall transfer to local funds and recognize as fiscal year 2011 revenue \$38.338 million from the Special Purpose Funds, as follows:

(1) From the ballpark revenue fund, \$14 million;

(2) From the community benefit fund, \$12.883 million;

(3) From accounts administered by the Office of Property Management, \$2.255 million from the parking fees fund;

(4) From accounts administered by the Office of the Deputy Mayor for Planning and Economic Development, \$3.2 million from the neighborhood investment fund;

(5) \$4 million from the certified fund balance available pursuant to sections 102(b)(1) and (2) of the Community Access to Health Care Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-288; D.C. Official Code § 7-1932(b)(1) and (2)); and

(6) From additional certified funds from parking and moving violation tickets issued by the District Department of Transportation, \$2 million.

(b) Notwithstanding any provision of law limiting the use of the funds listed in subsections (a) through (c) of this section ("Special Purpose Funds") for special purposes, the Chief Financial Officer shall transfer to local funds and recognize as fiscal year 2012 revenue \$30.456 million from the Special Purpose Funds, as follows:

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- (1) From the ballpark revenue fund, \$10 million;
- (2) From the community benefit fund, \$13.001 million;
- (3) From accounts administered by the Office of Property Management, \$2.255 million from the parking fees fund;
- (4) From accounts administered by the Office of the Deputy Mayor for Planning and Economic Development, \$3.2 million from the neighborhood investment fund; and
- (5) From additional certified funds from parking and moving violation tickets issued by the District Department of Transportation, \$2 million.

(c) Notwithstanding any provision of law limiting the use of the funds listed in subsections (a) through (c) of this section ("Special Purpose Funds") for special purposes, the Chief Financial Officer shall transfer to local funds and recognize as fiscal year 2013 revenue \$36.550 million from the Special Purpose Funds, as follows:

- (1) From the ballpark revenue fund, \$15 million;
- (2) From the community benefit fund, \$14.095 million;
- (3) From accounts administered by the Office of Property Management, \$2.255 million from the parking fees fund;
- (4) From accounts administered by the Office of the Deputy Mayor for Planning and Economic Development, \$3.2 million from the neighborhood investment fund; and
- (5) From additional certified funds from parking and moving violation tickets issued by the District Department of Transportation, \$2 million.

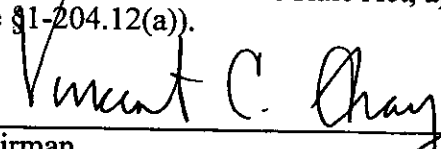
TITLE IX. FISCAL IMPACT AND EFFECTIVE DATE

Sec. 9001. Fiscal impact statement.

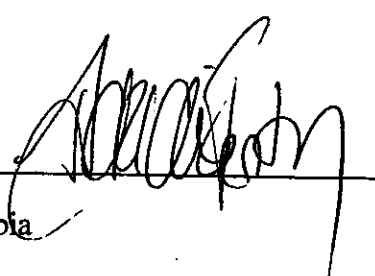
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 9002. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
AUGUST 26, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-189

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 26, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Fall
Supp.West Group
Publisher

To establish the criminal offense of being voluntarily present in a motor vehicle containing a firearm that is not lawfully carried nor lawfully transported; to establish a criminal offense for entering or remaining in a motor vehicle without consent; to prohibit persons required to wear a detection device as a condition of supervision to remove, intentionally alter, or interfere with or mask the operation of the device, or to allow any unauthorized person to do so; to establish a Gang and Crew Intervention Joint Working Group to coordinate responses to high-profile youth violence; to amend the District of Columbia Election Code of 1995 to prohibit the destruction of campaign materials for the period beginning 30 days before and ending 4 days after any election, initiative, referendum, or recall, and to establish a civil infraction as a penalty for violations; to amend the Advisory Commission on Sentencing Establishment Act of 1998 to extend the deadline for completion of criminal code reform to 2012; to amend the Establishment of the Office of the Chief Medical Examiner Act of 2000 to authorize the Mayor to waive, until April 30, 2013, the requirement that the Chief Medical Examiner for the District of Columbia be certified in forensic pathology by the American Board of Pathology or be eligible for such certification; to amend the District of Columbia Mental Health Information Act of 1978 to clarify the authorization period for a person to release mental health information, to provide for emergency authorization of disclosure, to provide for disclosure of mental health information under certain circumstances to correctional institutions or law enforcement officials, and to authorize the court to order disclosure or redisclosure of mental health information; to amend the Firearms Control Regulations Act of 1975 to establish a gun-offender registry and require the registration of gun offenders; to amend section 14-306 of the District of Columbia Official Code to clarify that a spouse or domestic partner shall be competent and compellable to testify in civil or criminal proceedings involving an intrafamily offense or an offense against a child, minor, or vulnerable adult, in civil proceedings involving an offense against the child, minor, or vulnerable adult, in criminal or delinquency proceedings involving joint crimes, and in criminal proceedings involving crimes that occurred prior to the marriage or domestic partnership; to amend section 14-307 of the District of Columbia Official Code to clarify exceptions to the physician-patient privilege in grand jury, criminal, delinquency, family, or domestic violence proceedings where the person is targeted or

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charged with certain crimes; to amend An Act To establish a code of law for the District of Columbia to increase the penalties for repeated offenses of crimes of violence; to amend An Act To prohibit the introduction of contraband into the District of Columbia penal institutions to establish offenses pertaining to the possession or delivery of contraband into jails and secure juvenile residential facilities; to amend An Act For the suppression of prostitution in the District of Columbia to increase the penalties for repeat offenders; to amend the Omnibus Public Safety Amendment Act of 2006 to extend the effective period for prostitution free zones to 480 consecutive hours; to amend the Anti-Sexual Abuse Act of 1994 to strike the affirmative defense of consent; to amend the District of Columbia Theft and White Collar Crimes Act of 1982 to expand the definition of the terms "property," "person" and "value" and to make related conforming amendments so that the terms more broadly encompass conduct associated with theft and identify theft, to permit a person to be convicted of any combination of theft, fraud, and other property offenses arising out of the same course of conduct, to expand the jurisdiction of the District of Columbia to prosecute fraud and insurance fraud, to include in the definition of the crime of identity theft the use of personal identifying information belonging to or pertaining to another person to identify himself or herself at the time of an arrest or to facilitate or conceal the commission of a crime, to provide for increased penalties for unauthorized use of a vehicle during a crime of violence and for repeated offenses of unauthorized use of a vehicle; to repeal An Act To define and punish vagrancy in the District of Columbia, and for other purposes; to amend the Bias-Related Crime Act of 1989 to add homelessness as a protected class; to amend the DNA Sample Collection Act of 2001 to add all felonies as a qualifying offense for the purposes of DNA collection; to amend An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes to specify categories of persons for whom it would be unlawful to possess a firearm, to provide for increased penalties for repeat offenders, and to increase the mandatory-minimum sentence for a felon in possession of a firearm; to amend section 23-110 of the District of Columbia Official Code to allow for dismissal of a motion to strike a sentence if the government demonstrates that it has been materially prejudiced in its ability to respond to the motion; to amend section 23-523 of the District of Columbia Official Code to clarify that daylight hours mean the period from 6:00 a.m. to 9:00 p.m.; to amend section 23-581 of the District of Columbia Official Code to add malicious destruction, voyeurism, unlawful entry of a motor vehicle, and tampering with a detection device as arrests that do not require the officer to obtain a warrant; to amend section 23-1322 of the District of Columbia Official Code to expand the types of crimes that cause a rebuttable presumption to detain individuals pending trial, and to change the standard for detention from a substantial probability to probable cause; to amend section 47-2811 of the District of Columbia Official Code to clarify licensing requirements for

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massage establishments; to amend the District of Columbia Uniform Controlled Substances Act of 1981 to add "cathinone" to the schedule; to amend the Anti-Loitering/Drug Free Zone Act of 1996 to provide additional bases for the Chief of Police to declare a drug free zone upon a finding of a disproportionately high number of arrests for dangerous crimes or crimes of violence within the proposed drug free zone; to amend the Distract Driving Safety Act of 2004 to provide definitions for "use" of a wireless communication device, and for "text" or "texting;" to amend the District of Columbia Traffic Act, 1925 to clarify the previous conviction date for purposes of enhanced penalties, to clarify the blood alcohol content, and to provide that alcohol concentration of 0.05 to 0.08 constitutes prima facie proof that the person was under the influence of intoxicating liquor; to amend the Innocence Protection Act of 2001 to provide that the government must establish material prejudice; to amend An Act To establish a code of law for the District of Columbia to repeal unnecessary provisions pertaining to stalking; to amend section 16-801 of the District of Columbia Official Code to correct an incorrect reference to attempted theft so it properly references attempted identity theft; to amend section 16-909 of the District of Columbia Official Code to clarify the relationship between a donor of semen to a person for artificial insemination and the child thereby conceived; to amend section 16-916.01 of the District of Columbia Official Code to clarify the self-support reserve for a parent with a legal duty to pay child support by aligning this amount with revised poverty guideline figures; to amend the Anti-Sexual Abuse Act of 1994 to provide a defense to sexual abuse for the domestic partner of a ward, patient, or client to mirror the defense that currently exists in the law for a spouse; to prohibit stalking and establish criminal penalties for violations of this prohibition; to amend the Regulation Establishing Standards for Certification and Employment for Security Officers to repeal various provisions requiring security agencies to execute bonds; and to amend the District of Columbia Good Time Credits Act of 1986 to ensure that all incarcerated individuals are provided the incentive and opportunity to earn good time credits for education and meritorious behavior for participation in programs by repealing the requirement for completion of an entire course.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Omnibus Public Safety and Justice Amendment Act of 2009".

TITLE I

Sec. 101. Presence in a motor vehicle containing a firearm.

(a) It is unlawful for a person to be voluntarily in a motor vehicle if that person knows that a firearm is in the vehicle, unless the firearm is being lawfully carried or lawfully transported.

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(b) It shall be an affirmative defense to this offense, which the defendant must prove by a preponderance of the evidence, that the defendant, upon learning that a firearm was in the vehicle, had the specific intent to immediately leave the vehicle, but did not have a reasonable opportunity under the circumstances to do so.

(c)(1) Except as provided in paragraph (2) of this subsection, a person who violates this section shall be fined not more than \$5,000, imprisoned for not more than 5 years, or both.

(2) If the violation of this section occurs after a person has been convicted in the District of Columbia of a violation of section 4(a) of An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4504(a)), or of a felony, either in the District of Columbia or another jurisdiction, the person shall be fined not more than \$10,000, imprisoned for not more than 10 years, or both.

(3) No person shall be sentenced consecutively for this offense and any other firearms offense arising out of the same incident. Any conviction under this section and any conviction for carrying or possessing the same firearm on the same occasion shall be considered as one conviction for purposes of any application of repeat offender sentencing provisions.

Sec. 102. Unlawful entry of a motor vehicle.

(a) It is unlawful to enter or be inside of the motor vehicle of another person without the permission of the owner or person lawfully in charge of the motor vehicle. A person who violates this subsection shall, upon conviction, be fined not more than \$500, imprisoned for not more than 90 days, or both.

(b) Subsection (a) of this section shall not apply to:

(1) An employee of the District government in connection with his or her official duties;

(2) A tow crane operator who has valid authorization from the District government or from the property owner on whose property the motor vehicle is illegally parked; or

(3) A person with a security interest in the motor vehicle who is legally authorized to seize the motor vehicle.

(c) For the purposes of this section, the term "enter the motor vehicle" means to insert any part of one's body into any part of the motor vehicle, including the passenger compartment, the trunk or cargo area, or the engine compartment.

Sec. 103. Tampering with a detection device.

(a)(1) It is unlawful for a person who is required to wear a device as a condition of a protection order, pretrial, presentence, or predisposition release, probation, supervised release, parole, or commitment to:

(A) Intentionally remove or alter the device, or to intentionally interfere

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with or mask or attempt to interfere with or mask the operation of the device; or

(B) Intentionally allow any unauthorized person to remove or alter the device, or to intentionally interfere with or mask or attempt to interfere with or mask the operation of the device.

(2) For the purposes of this subsection, the term "device" includes a bracelet, anklet, or other equipment with electronic monitoring capability or global positioning system technology.

(b) Whoever violates this section shall be fined not more than \$1,000, imprisoned for not more than 180 days, or both.

Sec. 104. Establishment of a gang and crew intervention joint working group.

(a) By December 31, 2009, the Mayor shall create a Gang and Crew Intervention Joint Working Group ("Joint Working Group") consisting of members of the Executive Committee of the Citywide Coordinating Council for Youth Violence Prevention ("CCCYVP") and the core Focused Improvement Area ("FIA") team, to include the Metropolitan Police Department ("MPD"), the Office of the City Administrator, and other agencies as identified by the Office of the Mayor.

(b) The Joint Working Group shall develop a coordinated response to high-profile youth violence through the following measures:

(1) Assess critical incident ("CI") need and capacity by:

(A) Identifying and mapping all CIs involving youth over the past 6 months;

(B) Determining what portion of these incidents generated a CI response from CCCYVP partners; and

(C) Evaluating the current capacity of community-based organizations funded by the District (through both the CCCYVP and Children's Youth Investment Trust) for violence intervention to respond to CIs;

(2) Endeavor to align existing resources to respond to critical incidents by:

(A) Developing a plan to align all violence intervention initiatives funded in fiscal year 2010, regardless of funding source, into a coordinated CI strategy, to include proposals to modify contracts, as necessary;

(B) Assuring that CI resources are targeted to gang and crew "hot spots" and those neighborhoods experiencing the highest rates of youth violence; and

(C) Clarifying the geographic areas that each intervention service partner is or will be covering;

(3) Coordinate existing resources to respond to critical incidents by:

(A) Developing protocols for the immediate engagement of intervention partners by MPD when critical incidents occur;

(B) Assuring that Department of Parks and Recreation Roving Leaders in targeted neighborhoods are a part of the CI teams; and

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(C) Engaging staff and School Resource Officers of middle and high schools in targeted neighborhoods in the CI process, as appropriate;

(4) Identify targeted youth by:

(A) Identifying existing and emerging conflicts between gangs and crews based on MPD's Gang Intelligence Fusion Unit, MPD Division officers, and street intelligence from community partners and schools;

(B) In partnership with schools and community partners, identifying the youth most immediately at risk of involvement in violent behavior in targeted neighborhoods;

(C) Establishing and implementing a process to review unsolved violent offenses for possible gang and crew involvement; provided, that MPD shall review all unsolved suspected gang or crew homicides and attempted homicides involving minors or young adults within the last 5 years, to determine which may be connected to gang and crew violence, and deploy resources to close these cases quickly; and

(D) Partnering with Department of Youth Rehabilitation Services and Court Social Services prior to a youth's release from detention to ensure youth and community safety are carefully planned for, including access to robust post-detention services; and

(5) Intervene with targeted youth by:

(A) Developing protocols for CIs that outline the necessary steps when responding to violent incidents involving youth, including the development of containment and de-escalation strategies that are incident-specific and designed to prevent acts of retaliation; provided, that:

(i) The protocols shall address:

(I) What information is shared;

(II) The roles and responsibilities of all parties in responding to violent incidents;

(III) Guidelines for street mediation, truces, and rumor control; and

(IV) Engagement of family members and others significant in the lives of both perpetrators and victims; and

(ii) Standards for individualized diversion plans for involved youth shall be developed that engage schools, government agencies, recreation centers, and other community-based resources;

(B) Establishing core components of an individual intervention and diversion plan, including direct outreach to all involved parties (both of the victim and alleged perpetrator), and engagement of families, schools, and community-based resources;

(C) Developing a proposal to provide flexible funds to resource these plans with the participation, as necessary, of agency personnel in review sessions and implementation; provided, that, when possible, any existing family team meeting processes at the Child and Family Services Agency and the Department of Youth Rehabilitation Services may be key elements of this process for youth involved with either of these agencies; and

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(D) Identifying additional resources from agencies that should, where appropriate, be available to provide support for individual CI plans.

(c) By December 31, 2009, the Joint Working Group shall expand capacity of Critical Incident and Targeted Youth Outreach Teams through the following measures:

(1) Based on the CI capacity assessment, described in subsection (b) of this section, estimate what the current gap is between capacities and need;

(2) Assess the existing capacity of CCCYVP partners to provide targeted outreach to the highest-risk youth;

(3) Develop a plan to expand CI and targeted outreach that realistically reflects time necessary for recruitment and orientation of new staff; and

(4) Prepare a cost estimate for the short-term expansion plan, and a funding proposal for its implementation.

TITLE II

Sec. 201. Section 14 of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 704; D.C. Official Code § 1-1001.14), is amended by adding a new subsection (b-1) to read as follows:

Amend
§ 1-1001.14

“(b-1)(1) A person who, during the period beginning 30 days before any election or referendum, initiative, or recall and ending 4 days after the election, referendum, initiative, or recall, intentionally removes, defaces, damages, or destroys any lawfully placed billboard, poster, sign, or other material relating to any candidate for election for any office or to a referendum, initiative, or recall, shall be subject to imposition of civil fines, penalties, and fees for a civil infraction pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

“(2) A person who violates paragraph (1) of this subsection shall be fined not more than \$100.

“(3) This subsection shall not apply to:

“(A) The candidate for election;

“(B) A sponsor of a referendum, initiative, or recall;

“(C) The owner of the material;

“(D) The owner of the premises where the material is located;

“(E) Persons authorized and acting on behalf of the owner of the material or the premises; or

“(F) Any person charged with enforcement of any law of the District of Columbia acting within the scope of his or her authority.”.

Sec. 202. Section 2a(b) of the Advisory Commission on Sentencing Establishment Act of 1998, effective June 16, 2006 (D.C. Law 16-126; D.C. Official Code § 3-101.01(b)), is amended by striking the number “2010” and inserting the number “2012” in its place.

Amend
§ 3-101.01

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Sec. 203. Section 2903(c)(3) of the Establishment of the Office of the Chief Medical Examiner Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 5-1402(c)(3)), is amended to read as follows:

Amend
§ 5-1402

“(3) The certification requirement of paragraph (2) of this subsection may be waived by the Mayor for the CME appointed to fill the term beginning on May 1, 2007, and ending on April 30, 2013.”.

Sec. 204. The District of Columbia Mental Health Information Act of 1978, effective March 3, 1979 (D.C. Law 2-136; D.C. Official Code § 7-1201.01 *et seq.*), is amended as follows:

(a) Section 202(a)(5) (D.C. Official Code § 7-1202.02(a)(5)) is amended by striking the phrase “60 days” and inserting the phrase “365 days” in its place.

Amend
§ 7-1202.02

(b) Section 303 (D.C. Official Code § 7-1203.03) is amended as follows:

Amend
§ 7-1203.03

(1) Subsection (a) is amended to read as follows:

“(a) To the extent the disclosure of mental health information is not otherwise authorized by this act, mental health information may be disclosed, on an emergency basis, to one or more of the following if the mental health professional reasonably believes that such disclosure is necessary to initiate or seek emergency hospitalization of the client under D.C. Official Code § 21-521 or to otherwise protect the client or another individual from a substantial risk of imminent and serious physical injury:

“(1) The client’s spouse, parent, or legal guardian;

“(2) A duly accredited officer or agent of the District of Columbia in charge of public health;

“(3) The Department of Mental Health;

“(4) A provider as that term is defined in section 102(27) of the Mental Health Service Delivery Reform Act of 2001, effective December 18, 2001 (D.C. Law 14-56; D.C. Official Code § 7-1131.02(27));

“(5) The District of Columbia Pretrial Services Agency;

“(6) The Court Services and Offender Supervision Agency;

“(7) A court exercising jurisdiction over the client as a result of a pending criminal proceeding;

“(8) Emergency medical personnel;

“(9) An officer authorized to make arrests in the District of Columbia; or

“(10) An intended victim.”.

(2) A new subsection (a-1) is added to read as follows:

“(a-1) Any disclosure of mental health information under this section shall be limited to the minimum necessary to initiate or seek emergency hospitalization of the client under D.C. Official Code § 21-521 or to otherwise protect the client or another individual from a substantial risk of imminent and serious physical injury.”.

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(c) A new section 305a is added to read as follows:

"Sec. 305a. Disclosures to correctional institutions or law enforcement officials.

"(a) A mental health professional or mental health facility may disclose to a correctional institution or a law enforcement official having lawful custody of an individual mental health information about the individual to facilitate the delivery of mental health services and mental health supports to the individual.

"(b) Any disclosure of mental health information under this section shall be limited to the minimum necessary to facilitate the delivery of mental health services and mental health supports."

(d) Section 403 (D.C. Official Code § 7-1204.03) is amended as follows:

Amend
§ 7-1204.03

(1) Designate the existing text as subsection (a).

(2) A new subsection (b) is added to read as follows:

"(b)(1) In addition to mental health information that is disclosed when a defendant's competence or mental health is at issue or when otherwise authorized by law, in a criminal proceeding, the court may order the disclosure, or redisclosure, of a defendant or offender's mental health information when and only to the extent necessary to monitor the defendant or offender's compliance with a condition of pretrial release, probation, parole, supervised release, or diversion agreement that the defendant or offender obtain or comply with mental health treatment ordered by a court or the U.S. Parole Commission.

"(2) Any disclosure or redisclosure of mental health information ordered under this subsection shall be limited to the minimum necessary to monitor the individual's compliance and the court's order shall specify the information that may be disclosed or redisclosed."

Sec. 205. The Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*), is amended by adding a new Title VIII to read as follows:

"TITLE VIII – GUN OFFENDER REGISTRY.

"Sec. 801. Definitions.

"For the purposes of this title, the term:

"(1) "Correctional facility" means any building or group of buildings and concomitant services operated as a single management unit by the Department of Corrections, or a similar federal, state, county, or local government agency, or a contractor to such an agency, for the purpose of housing and providing services to persons ordered confined pending trial or sentencing, or incarcerated following sentencing for a violation of law.

"(2) "Gun offender" means a person:

"(A) Convicted of a gun offense in the District;

"(B) Convicted of a gun offense who resides in the District within the registration period established pursuant to section 802; or

"(C) Who has as a mandatory condition of release a registration

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requirement in the District pursuant to section 804(f).

“(3) “Gun offense” means:

“(A) A conviction for the sale, purchase, transfer, receipt, acquisition, possession, use, manufacture, carrying, transportation, registration, or licensing of a firearm under An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501 *et seq.*);

“(B) A conviction for violating sections 201, 401, 501, or 601 of this act;
or

“(C) Violations in other jurisdictions of any offense with an element that involves the violations listed in subparagraph (A) or (B) of this paragraph.

“(4) “Resides” means to stay overnight in the District of Columbia for an aggregate period of time exceeding 30 days in any calendar year.

“Sec. 802. Duty to register and to verify.

“(a) A gun offender shall register with the Chief for a period of 2 years, unless a longer period is required by section 803 or section 807(b). The offender shall register:

“(1) Within 48 hours of:

“(A) Release, if the gun offender receives a sentence of imprisonment;

“(B) The time sentence is imposed, if the sentence does not include imprisonment;

“(C) Remaining in the District to reside, work, or attend school after receipt of notice of the obligation to register; or

“(D) Changing the place where he or she resides, works, or attends school in the District or elsewhere;

“(2) By personally appearing at an office designated by the Chief to sign a statement under oath, verified by whatever documentation may be required, that provides, to the extent it is available:

“(A) The gun offender’s name, date of birth, sex, race, height, weight, and eye color;

“(B) The address where the gun offender resides or expects to reside in the District;

“(C) Any other legal names of the gun offender;

“(D) Aliases of the gun offender;

“(E) The jurisdiction and a description of the offense for which the gun offender was convicted and the date of conviction;

“(F) Fingerprints of the gun offender;

“(G) The identification number of the gun offender’s driver’s license or non-driver photo identification card;

“(H) The name and address of any school the gun offender attends or expects to attend; and

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“(I) The name and address of the gun offender’s expected place of work, including the name and phone number of a supervisor.

“(b) During the period in which a gun offender is required to register under this title, the gun offender shall comply with the following:

“(1) Except as specified in paragraphs (2) and (3) of this subsection, no later than 20 calendar days following the one-year anniversary of the gun offender’s initial registration date, the gun offender shall personally appear at such office as the Chief may direct for the purpose of verifying the information required under subsection (a) of this section.

“(2) If a gun offender required to register under this title is confined to any federal, state, or local correctional facility, residential treatment center, hospital, or institution throughout the 20-day period described in paragraph (1) of this subsection, the gun offender shall personally appear as required by paragraph (1) of this subsection within 48 hours of release.

“(3) If a gun offender neither resides, works, nor attends school in the District of Columbia, the gun offender shall not be required to comply with paragraph (1) or (2) of this subsection.

“(4) The Chief may photograph the gun offender and require the gun offender to provide such documentation as the Chief considers acceptable to verify the information provided in subsection (a)(2) of this section.

“(c) The Chief shall have the authority to maintain and operate the gun offender registry for the District, including the authority to collect and maintain gun offender information obtained pursuant to subsection (b) of this section and enter the information into appropriate record systems and databases.

“Sec. 803. Registration period.

“A gun offender shall comply with the registration and verification provisions required by section 802 for a period beginning when he or she is sentenced for a gun offense and continuing until 2 years after the expiration of any time being served on probation, parole, supervised release, or conditional release, or 2 years after the gun offender is unconditionally released from a correctional facility, prison, hospital, or other place of confinement, whichever is latest. The registration period is tolled for any time the gun offender fails to register or otherwise fails to comply with the requirements of this title.

“Sec. 804. Certification duties of the Superior Court of the District of Columbia.

“(a) Upon a defendant’s conviction for a gun offense, the Superior Court of the District of Columbia (“Court”) shall enter an order certifying that the defendant is a gun offender. The Court shall:

“(1) Advise the gun offender of his or her duties under this title;

“(2) Order the gun offender to report to the Chief to register as required by this title; and

“(3) Order the gun offender to comply with the requirements of this title.

“(b) The Court shall provide to the Chief, and to the Court Services and Offender

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Supervision Agency, a copy of the certification and order, and such other records and information in its possession that will assist in the registration of the gun offender.

“(c) In any case where the Court orders the release of a gun offender into the community following a period of detention, incarceration, confinement, civil commitment, or hospitalization, the Court shall provide the gun offender with a copy of the order required under subsection (a) of this section and require the gun offender to read, or have read to him or her, and sign the copy of the order.

“(d)(1) For persons who have not been required to comply with the requirements of this title as set forth in subsections (a) and (c) of this section, but nevertheless qualify, the Court may, upon motion of the government, enter an order certifying that a person convicted of a gun offense within the period for which registration is required by this title is a gun offender and issue an order requiring the gun offender to register and to comply with the provisions of this title.

“(2) The certification and order shall be personally served upon the person, at which time the requirements of this title shall apply, unless that person moves the Court to rescind the certification and order and the Court grants the motion.

“(e) Agencies in the District of Columbia to which the probation, parole, supervised release, or conditional release of a gun offender is transferred from another jurisdiction are authorized to inform the Chief of that transfer of supervision for purposes of implementing the provisions of subsection (d) of this section.

“(f) Notwithstanding the court certification requirements of this title, any person convicted of a gun offense in any jurisdiction other than the District of Columbia who is ordered by competent authority in that jurisdiction to register as a gun offender in the District of Columbia shall comply with the registration and other requirements of this title.

“Sec. 805. Sharing of registration information; Freedom of Information Act exception.

“(a) Gun offender registration information shall not be made available except as authorized under subsection (b) of this section. No gun offender registration information shall be available as a public record under section 202 of the Freedom of Information Act of 1976, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-532).

“(b) The Chief is authorized to make gun offender registration information available to other local, state, or federal government agencies.

“Sec. 806. Rules.

“The Chief, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules and establish such forms as are necessary to implement the provisions of this title.

“Sec. 807. Penalties; mandatory release condition.

“(a) Any knowing violation by a gun offender of this title or of rules or regulations established pursuant to this title, including knowingly failing to register, verify, or update information in the manner and within the time periods provided for in this title, shall be a misdemeanor punishable by a fine of not more than \$1,000, imprisonment of not more than 12

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months, or both.

“(b) Compliance with the requirements of this title, including any rules or regulations adopted by the Chief pursuant to this title, shall be a mandatory condition after the expiration of any time being served on probation, parole, supervised release, or conditional release for any gun offender convicted in the District of Columbia.”.

Sec. 206. Section 14-306 of the District of Columbia Official Code is amended as follows:

Amend
§ 14-306

(a) New subsections (b-1) through (b-3) are added to read as follows:

“(b-1) Notwithstanding subsections (a) and (b) of this section, a spouse or domestic partner is both competent and compellable to testify against his or her spouse or domestic partner as to both confidential communications made by one to the other during the marriage or domestic partnership and any other matter in:

“(1) A criminal or delinquency proceeding where one spouse or domestic partner is charged with committing:

“(A) Intimate partner violence as defined in § 16-1001(7) if the spouse or domestic partner has previously refused to testify in a criminal or delinquency proceeding against the same spouse or domestic partner for an offense against him or her; or

“(B) An offense against a child, minor, or vulnerable adult who is:

“(i) In the custody of or resides temporarily or permanently in the household of one of the spouses or domestic partners; or

“(ii) Related by blood, marriage, domestic partnership, or adoption to one of the spouses or domestic partners;

“(2) A civil proceeding involving the abuse, neglect, abandonment, custody, or dependency of a child, minor, or vulnerable adult who is:

“(A) In the custody of or resides temporarily or permanently in the household of one of the spouses or domestic partners; or

“(B) Related by blood, marriage, domestic partnership, or adoption to one of the spouses or domestic partners; or

“(3) A criminal or delinquency proceeding where one spouse or domestic partner is charged with committing a crime jointly with the other spouse or domestic partner.

“(b-2) Notwithstanding subsections (a) and (b) of this section, when one spouse or domestic partner is charged with committing a crime that occurred prior to the marriage of the spouses or prior to the filing of a domestic partnership agreement, the other spouse or domestic partner is both competent and compellable to testify against his or her spouse or domestic partner as to the crime, communications made by one to the other, and any other matter that occurred prior to the marriage of the spouses, or prior to the filing of the domestic partnership agreement.

“(b-3) The burden is upon the person asserting a privilege under this section to establish that it exists.”.

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(b) Subsection (c) is amended by adding a new paragraph (3) to read as follows:

“(3) “Refused to testify” means that the witness spouse or domestic partner has:

“(A) Submitted an affidavit or other writing stating that she or he will not testify before a grand jury or in court;

“(B) Taken the stand in the grand jury or in any court proceeding and asserted his or her privilege under this section not to testify; or

“(C) Intentionally failed to appear in response to a subpoena.”.

Sec. 207. Section 14-307 of the District of Columbia Official Code is amended as follows:

Amend
§ 14-307

(a) Subsection (b) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “evidence in criminal cases where the accused is charged with causing the death of, or inflicting injuries upon, a human being,” and inserting the phrase “evidence in a grand jury, criminal, delinquency, family, or domestic violence proceeding where a person is targeted for or charged with causing the death of or injuring a human being, or with attempting or threatening to kill or injure a human being, or a report has been filed with the police pursuant to § 7-2601,” in its place.

(2) Paragraph (4) is amended as follows:

(A) Strike the phrase “in criminal or civil cases” and insert the phrase “in a grand jury, criminal, delinquency, or civil proceeding” in its place.

(B) Strike the phrase “approved July 30, 1965 (79 Stat. 343; 42 U.S.C. sec. 1396 et seq.).” and insert the phrase “approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 et seq.), or where a person is alleged to have defrauded a health care benefit program.” in its place.

(b) A new subsection (c) is added to read as follows:

“(c) For the purposes of this section, the term:

“(1) “Health care benefit program” means any public or private plan or contract under which a medical benefit, item, or service is or may be provided to an individual, and includes an individual or entity who provides a medical benefit, item, or service for which payment may be made under the plan or contract.

“(2) “Injury” includes, in addition to physical damage to the body, a sexual act or sexual contact prohibited by Chapter 30 of Title 22.”.

Sec. 208. Section 907a(a)(2) of An Act To establish a code of law for the District of Columbia, approved July 29, 1970 (84 Stat. 599; D.C. Official Code § 22-1804a(a)(2)), is amended by striking the phrase “the court may in lieu of any sentence authorized, impose” and inserting the phrase “the court, in lieu of the term of imprisonment authorized, shall impose a term of imprisonment of not less than 15 years and may impose” in its place.

Amend
§ 22-1804a

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Sec. 209. Section 908A(a) of An Act To establish a code of law for the District of Columbia, approved July 29, 1970 (84 Stat. 599; D.C. Official Code § 22-1805a(a)), is amended as follows:

Amend
§ 22-1805a

(a) Designate the existing language as paragraph (1).

(b) A new paragraph (2) is added to read as follows:

“(a)(2) If 2 or more persons conspire to commit a crime of violence as defined in D.C. Official Code § 23-1331(4), each shall be fined not more than \$3000 nor the maximum fine prescribed for the offense, the commission of which was the object of the conspiracy, whichever is less, or imprisoned not more than 15 years nor the maximum imprisonment prescribed for the offense, the commission of which was the object of the conspiracy, whichever is less, or both.”.

Sec. 210. An Act To prohibit the introduction of contraband into the District of Columbia penal institutions, approved December 15, 1941 (55 Stat. 800; D.C. Official Code § 22-2603), is amended to read as follows:

Amend
§ 22-2603

“Sec. 2. Definitions.

“ For the purposes of this act, the term:

“(1) “Cellular telephone or other portable communication device” means any device carried, worn, or stored that is designed, intended, or readily converted to create, receive, or transmit verbal or written messages or visual images, access or store data, or connect electronically to the Internet or any other electronic device and which allows communications in any form. The term “cellular telephone or other portable communication device” includes portable 2-way pagers, hand-held radios, cellular telephones, Blackberry-type devices, personal digital assistants or PDAs, computers, cameras, or any components of these devices which are intended to be used to assemble such devices. The term “cellular telephone or other portable communication device” also includes any new technology that is developed for similar purposes.

“(2)(A) “Class A Contraband” means:

“(i) Any item, the mere possession of which is unlawful under District of Columbia or federal law;

“(ii) Any controlled substance listed or described in the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.01 *et seq.*), or any controlled substance scheduled by the Mayor pursuant to section 201 (D.C. Official Code § 48-902.01) of that act;

“(iii) Any dangerous weapon or object which is capable of such use as may endanger the safety or security of a penal institution or secure juvenile residential facility or any person therein, including,:

“(I) A firearm or imitation firearm, or any component of a firearm;

“(II) Ammunition or ammunition clip;

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“(III) A stun gun, taser, or other device capable of disrupting a person’s nervous system;

“(IV) Flammable liquid or explosive powder;

“(V) A knife, screwdriver, ice pick, box cutter, needle, or any other object or tool that can be used for cutting, slicing, stabbing, or puncturing a person;

“(VI) A shank or homemade knife; or

“(VII) Tear gas, pepper spray, or other substance that can be used to cause temporary blindness or incapacitation;

“(iv) Any object designed or intended to facilitate an escape;

“(v) Handcuffs, security restraints, handcuff keys, or any other object designed or intended to lock, unlock, or release handcuffs or security restraints;

“(vi) A hacksaw, hacksaw blade, wire cutter, file, or any other object or tool that can be used to cut through metal, concrete, or plastic;

“(vii) Rope; or

“(viii) When possessed by, given to, or intended to be given to an inmate or securely detained juvenile, a correctional officer’s uniform, law enforcement officer’s uniform, medical staff clothing, any other uniform, or civilian clothing.

“(B) The term “Class A contraband” does not include any object or substance which a person is authorized to possess in the penal institution or secure juvenile residential facility by the director of the penal institution or secure juvenile residential facility and that is in the form or quantity for which it was authorized.

“(3)(A) “Class B Contraband” means:

“(i) Any alcoholic liquor or beverage;

“(ii) A hypodermic needle or syringe or other item that can be used for the administration of unlawful controlled substances; or

“(iii) A cellular telephone or other portable communication device.

“(B) The term “Class B contraband” does not include any object or substance which a person is authorized to possess in the penal institution or secure juvenile residential facility by the director of the penal institution or secure juvenile residential facility and that is in the form or quantity for which it was authorized.

“(4)(A) “Class C Contraband” means any article or thing which a person confined in a penal institution or secure juvenile residential facility is prohibited from obtaining or possessing by rule. The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall promulgate by rulemaking the articles or things that are Class C contraband. The rules shall be posted in the facility to give notice of the prohibited articles or things.

“(B) The term “Class C contraband” does not include any object or substance which a person is authorized to possess in the penal institution or secure juvenile residential facility by the director of the penal institution or secure juvenile residential facility

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and that is in the form or quantity for which it was authorized.

“(5) “Grounds” means the area of land occupied by the penal institution or secure juvenile residential facility and its yard and outbuildings, with a clearly identified perimeter.

“(6) “Penal institution” means any penitentiary, prison, jail, or secure facility owned, operated, or under the control of the Department of Corrections, whether located within the District of Columbia or elsewhere.

“(7) “Secure juvenile residential facility” means a locked residential facility providing custody, supervision, and care for one or more juveniles that is owned, operated, or under the control of the Department of Youth Rehabilitation Services, excluding residential treatment facilities and accredited hospitals.

“Sec. 3. Unlawful possession of contraband.

“(a) Except as authorized by law, the Mayor, the Director of the Department of Corrections, or the Director of the Department of Youth Rehabilitation Services, it is unlawful to:

“(1) Knowingly bring Class A, Class B, or Class C contraband into or upon the grounds of a penal institution or a secure juvenile residential facility with the intent that it be given to or received by an inmate or securely detained juvenile;

“(2) Knowingly cause another to bring Class A, Class B, or Class C contraband into or upon the grounds of a penal institution or a secure juvenile residential facility with the intent that it be given to or received by an inmate or securely detained juvenile; or

“(3) Knowingly place Class A, Class B, or Class C contraband in such proximity to a penal institution or a secure juvenile residential facility with the intent to give an inmate, a securely detained juvenile, a staff member, or a visitor access to the contraband.

“(b) It is unlawful for an inmate, or securely detained juvenile, to possess Class A, Class B, or Class C contraband, regardless of the intent with which he or she possesses it.

“(c) It is unlawful for an employee of the Department of Corrections or Department of Youth Rehabilitation Services who becomes aware of any violation of this section to fail to report such knowledge as required by department regulations, policies, or procedures.

“(d)(1) Any item listed as contraband is not deemed to be contraband when issued by a penal institution or secure juvenile residential facility to an employee and the item is being used in the performance of the employee’s duties within the penal institution or secure juvenile residential facility.

“(2) Any item listed as contraband is not deemed to be contraband when issued by a law enforcement agency to its sworn officers and the item is being used in the performance of his or her duties.

“(e) It is not unlawful for an attorney, or representative or agent of an attorney, during the course of a visit for the purpose of legal representation of the inmate or securely detained juvenile, to:

(1) Possess a cellular telephone or other portable communication device for the purpose of the legal visit for use by the attorney, representative, or agent, and not for the

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personal use of any inmate or securely detained juvenile; or

(2) Give or transmit to an inmate or securely detained juvenile legal written or recorded communication pertaining to his or her legal representation.

“(f) It is not unlawful for a person to possess or carry a controlled substance that is prescribed to that person and that is medically necessary for that person to carry.

“Sec. 4. Penalties.

“(a) A person convicted of violating this act with regard to Class A contraband shall be imprisoned for not more than 10 years, fined not more than \$10,000, or both.

“(b) A person convicted of violating this act with regard to Class B contraband shall be imprisoned for not more than 2 years, fined not more than \$2,000, or both.

“(c) A person convicted of violating section 3(c) shall be imprisoned for not more than 1 year, fined not more than \$1,000, or both.

“(d) Any term of imprisonment imposed on an inmate or prisoner pursuant to this section shall be:

“(1) Consecutive to the term of imprisonment being served at the time this offense was committed; or

“(2) If the inmate was confined pending trial or sentencing, consecutive to any term of imprisonment imposed in the case in which the inmate was being detained at the time this offense was committed.

“(e) The violation of this act with regard to Class C contraband shall be an administrative penalty prescribed by the Department of Corrections or the Department of Youth Rehabilitation Services.

“Sec. 5. Detainment power.

“Any person who, being lawfully upon the grounds of the penal institution, introduces or attempts to introduce contraband prohibited by section 3(a) may be taken into custody by the warden and detained for not more than 2 hours, pending surrender to a police officer with the Metropolitan Police Department.”.

Sec. 211. Section 1 of An Act For the suppression of prostitution in the District of Columbia, approved August 15, 1935 (49 Stat. 651; D.C. Official Code § 22-2701), is amended to read as follows:

Amend
§ 22-2701

“Sec. 1. (a) It is unlawful for any person to engage in prostitution or to solicit for prostitution.

“(b)(1) Except as provided in paragraph (2) of this subsection, a person convicted of prostitution shall be:

“(A) Fined not more than \$500, imprisoned for not more than 90 days, or both, for the first offense; and

“(B) Fined not more than \$1,000, imprisoned not more than 180 days, or both, for the second offense.

“(2) A person convicted of prostitution who has 2 or more prior convictions for prostitution, not committed on the same occasion, shall be fined not more than \$4,000,

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imprisoned for not more than 2 years, or both.

“(c) For the purposes of this section, a person shall be considered as having 2 or more prior convictions for prostitution if he or she has been convicted on at least 2 occasions of violations of:

“(1) This section;

“(2) A statute in one or more other jurisdictions prohibiting prostitution; or

“(3) Conduct that would constitute a violation of this section if committed in the District of Columbia.”.

Sec. 212. Section 104(b)(1) of the Omnibus Public Safety Amendment of 2006, effective April 24, 2007 (D.C. Law 16-306; D.C. Official Code § 22-2731(b)(1)), is amended by striking the phrase “240 consecutive hours” and inserting the phrase “480 consecutive hours” in its place.

Amend
§ 22-2731

Sec. 213. Section 206 of the Anti-Sexual Abuse Act of 1994, effective May 25, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3007), is amended by striking the phrase “, which the defendant must establish by a preponderance of the evidence,”.

Amend
§ 22-3007

Sec. 214. The District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-3201 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 22-3201) is amended as follows:

Amend
§ 22-3201

(1) A new paragraph (2A) is added to read as follows:

“(2A) “Person” means an individual (whether living or dead), trust, estate, fiduciary, partnership, company, corporation, association, organization, union, government department, agency, or instrumentality, or any other legal entity.”.

(2) Paragraph (3) is amended as follows:

(A) Subparagraph (B) is amended by striking the word “and” at the end.

(B) Subparagraph (C) is amended by striking the period at the end and inserting a semicolon in its place.

(C) New subparagraphs (D), (E), and (F) are added to read as follows:

“(D) Credit;

“(E) Debt; and

“(F) A government-issued license, permit, or benefit.”.

(3) A new paragraph (7) is added to read as follows:

“(7) “Value” with respect to a credit card, check, or other written instrument means the amount of money, credit, debt, or other tangible or intangible property or services that has been or can be obtained through its use, or the amount promised or paid by the credit card, check, or other written instrument.”.

(b) Section 103 (D.C. Official Code § 22-3203) is amended to read as follows:

Amend
§ 22-3203

“Sec. 103. Consecutive sentences.

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“(a) A person may be convicted of any combination of theft, identity theft, fraud, credit card fraud, unauthorized use of a vehicle, commercial piracy, and receiving stolen property for the same act or course of conduct; provided, that no person shall be consecutively sentenced for any such combination or combinations that arise from the same act or course of conduct.

“(b) Convictions arising out of the same act or course of conduct shall be considered as one conviction for purposes of any application of repeat offender sentencing provisions.”.

(c) A new section 104 is added to read as follows:

“Sec. 104. Case referral.

“For the purposes of this title, in cases involving more than one jurisdiction, or in cases where more than one District of Columbia agency is responsible for investigating an alleged violation, the investigating agency to which the report was initially made may refer the matter to another investigating or law enforcement agency with proper jurisdiction.”.

(d) Section 112 (D.C. Official Code § 22-3212) is amended as follows:

Amend
§ 22-3212

(1) Subsection (a) is amended by striking the phrase “\$250” and inserting the phrase “\$1,000” in its place.

(2) Subsection (b) is amended by striking the phrase “if the value of the property obtained or used is less than \$250” and inserting the phrase “if the property obtained or used has some value” in its place.

(3) New subsections (c) and (d) are added to read as follows:

“(c) A person convicted of theft in the first or second degree who has 2 or more prior convictions for theft, not committed on the same occasion, shall be fined not more than \$5,000 or imprisoned for not more than 10 years and for a mandatory-minimum term of not less than one year, or both. A person sentenced under this subsection shall not be released from prison, granted probation, or granted suspension of sentence, prior to serving the mandatory-minimum.

“(d) For the purposes of this section, a person shall be considered as having 2 or more prior convictions for theft if he or she has been convicted on at least 2 occasions of violations of:

“(1) Section 111;

“(2) A statute in one or more jurisdictions prohibiting theft or larceny; or

“(3) Conduct that would constitute a violation of section 111 if committed in the District of Columbia.”.

(e) Section 115 (D.C. Official Code § 22-3215) is amended as follows:

Amend
§ 22-3215

(1) Subsection (b) is amended to read as follows:

“(b) A person commits the offense of unauthorized use of a motor vehicle under this subsection if, without the consent of the owner, the person takes, uses, or operates a motor vehicle, or causes a motor vehicle to be taken, used, or operated, for his or her own profit, use, or purpose.”.

(2) Subsection (d) is amended to read as follows:

“(d)(1) Except as provided in paragraphs (2) and (3) of this subsection, a person convicted of unauthorized use of a motor vehicle under subsection (b) of this section shall be fined not more than \$1,000, imprisoned for not more than 5 years, or both.

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“(2)(A) A person convicted of unauthorized use of a motor vehicle under subsection (b) of this section who took, used, or operated the motor vehicle, or caused the motor vehicle to be taken, used, or operated, during the course of or to facilitate a crime of violence, shall be:

“(i) Fined not more than \$10,000, imprisoned for not more than 10 years, or both, consecutive to the penalty imposed for the crime of violence; and

“(ii) If serious bodily injury results, imprisoned for not less than 5 years, consecutive to the penalty imposed for the crime of violence.

“(B) For the purposes of this paragraph, the term “crime of violence” shall have the same meaning as provided in D.C. Official Code § 23-1331(4).

“(3)(A) A person convicted of unauthorized use of a motor vehicle under subsection (b) of this section who has 2 or more prior convictions for unauthorized use of a motor vehicle or theft in the first degree, not committed on the same occasion, shall be fined not less than \$5,000 nor more than \$15,000, or imprisoned for not less than 30 months nor more than 15 years, or both.

“(B) For the purposes of this paragraph, a person shall be considered as having 2 prior convictions for unauthorized use of a motor vehicle or theft in the first degree if the person has been twice before convicted on separate occasions of:

“(i) A prior violation of subsection (b) of this section or theft in the first degree;

“(ii) A statute in one or more other jurisdictions prohibiting unauthorized use of a motor vehicle or theft in the first degree;

“(iii) Conduct that would constitute a violation of subsection (b) of this section or a violation of theft in the first degree if committed in the District of Columbia; or

“(iv) Conduct that is substantially similar to that prosecuted as a violation of subsection (b) of this section or theft in the first degree.

“(4) A person convicted of unauthorized use of a motor vehicle under subsection (c) of this section shall be fined not more than \$1,000, imprisoned for not more than 3 years, or both.”

(f) Section 123 (D.C. Official Code § 22-3223) is amended as follows:

(1) Subsection (a) is amended to read as follows:

“(a) For the purposes of this section, the term “credit card” means an instrument or device, whether known as a credit card, debit card, or by any other name, issued for use of the cardholder in obtaining or paying for property or services.”

(2) Subsection (b) is amended as follows:

(A) The lead-in language is amended by striking the phrase “obtains property of another by” and inserting the phrase “obtains or pays for property or services by” in its place.

(B) Paragraph (3) is amended by striking the word “or” at the end.

(C) Paragraph (4) is amended by striking the period at the end and

Amend
§ 22-3223

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inserting the phrase "; or" in its place.

(D) A new paragraph (5) is added to read as follows:

"(5) Knowingly using for the employee's or contractor's own purposes a credit card, or the number on or description of the credit card, issued to or provided to an employee or contractor by or at the request of an employer for the employer's purposes."

(3) Subsection (d) is amended to read as follows:

"(d)(1) Except as provided in paragraph (2) of this subsection, any person convicted of credit card fraud shall be fined not more than \$1,000, imprisoned for not more than 180 days, or both.

"(2) Any person convicted of credit card fraud shall be fined not more than \$5,000, imprisoned for not more than 10 years, or both, if the value of the property or services obtained or paid for is \$1,000 or more."

(g) A new section 124a is added to read as follows:

"Sec. 124a. Jurisdiction.

"An offense under this subtitle shall be deemed to be committed in the District of Columbia, regardless of whether the offender is physically present in the District of Columbia, if:

"(1) The person to whom a credit card was issued or in whose name the credit card was issued is a resident of, or located in, the District of Columbia;

"(2) The person who was defrauded is a resident of, or located in, the District of Columbia at the time of the fraud;

"(3) The loss occurred in the District of Columbia; or

"(4) Any part of the offense takes place in the District of Columbia."

(h) A new section 125o is added to read as follows:

"Sec. 125o. Jurisdiction.

"An offense under this subtitle shall be deemed to be committed in the District of Columbia, regardless of whether the offender is physically present in the District of Columbia, if:

"(1) The insured, insurer, claimant, or applicant is a resident of, or located in, the District of Columbia;

"(2) A District of Columbia address is used on an application, policy, or claim for payment or benefit;

"(3) The services for which a claim is made were provided or alleged to have been provided in the District of Columbia;

"(4) Payment of a claim or benefit was made or was to be made to an address in the District of Columbia;

"(5) The loss occurred or is alleged to have occurred in the District of Columbia; or

"(6) Any part of the offense takes place in the District of Columbia."

(i) Section 127a (D.C. Official Code § 22-3227.01) is amended as follows:

(1) Paragraph (1) is amended as follows:

Amend
§ 22-3227.01

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(A) Subparagraph (C) is amended by striking the word "and" at the end.
(B) Subparagraph (D) is amended by striking the period at the end and inserting the phrase "; and" in its place.

(C) A new subparagraph (E) is added to read as follows:

"(E) Lost time, wages, and benefits, other losses sustained, legal fees, and other expenses incurred as a result of the use, without permission, of one's personal identifying information by another as prohibited by section 127b."

(2) Paragraph (2) is repealed.

(j) Section 127b (D.C. Official Code § 22-3227.02) is amended as follows:

(1) Paragraph (1) is amended by striking the word "or" at the end.

Amend
§ 22-3227.02

(2) Paragraph (2) is amended by striking the period at the end and inserting the phrase "; or" in its place.

(3) A new paragraph (3) is added to read as follows:

"(3) Uses personal identifying information belonging to or pertaining to another person, without that person's consent, to:

"(A) Identify himself or herself at the time of his or her arrest;

"(B) Facilitate or conceal his or her commission of a crime; or

"(C) Avoid detection, apprehension, or prosecution for a crime."

(k) Section 127c (D.C. Official Code § 22-3227.03) is amended as follows:

Amend
§ 22-3227.03

(1) Subsection (a) is amended by striking the phrase "\$250 or more" and inserting the phrase "\$1,000 or more" in its place.

(2) Subsection (b) is amended by striking the phrase "whichever is greater, is less than \$250." and inserting the phrase "has some value, or if another person is falsely accused of, or arrested for, committing a crime because of the use, without permission, of that person's personal identifying information." in its place.

(l) Section 127f(1) (D.C. Official Code § 22-3227.06(1)) is amended by striking the phrase "resident of" and inserting the phrase "resident of, or located in," in its place.

Amend
§ 22-3227.06

(m) Section 502(a) (D.C. Official Code § 22-722(a)) is amended as follows:

Amend
§ 22-722

(1) Paragraph (4) is amended by striking the word "Injures" and inserting the phrase "Injures or threatens to injure" in its place.

(2) Paragraph (5) is amended by striking the word "Injures" and inserting the phrase "Injures or threatens to injure" in its place.

Sec. 215. Section 824 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1324; D.C. Official Code § 22-3302), is amended as follows:

Amend
§ 22-3302

(a) Designate the existing language as subsection (a).

(b) The newly designated subsection (a) is amended as follows:

(1) Designate the existing language as paragraph (1).

(2) The newly designated paragraph (1) is amended as follows:

(A) Strike the phrase "public or".

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(B) Strike the phrase "a fine not exceeding \$100 or imprisonment in the Jail for not more than 6 months, or both, in the discretion of the court" and insert the phrase "a fine of not more than \$1,000, imprisonment for not more than 180 days, or both" in its place.

(3) A new paragraph (2) is added to read as follows:

"(2) For the purposes of this subsection, the term "private dwelling" includes a privately owned house, apartment, condominium, or any building used as living quarters, or cooperative or public housing, as defined in section 3(1) of the United States Housing Act of 1937, approved August 22, 1974 (88 Stat. 654; 42 U.S.C. § 1437a(b)), the development or administration of which is assisted by the Department of Housing and Urban Development, or housing that is owned, operated, or financially assisted by the District of Columbia Housing Authority."

(c) A new subsection (b) is added to read as follows:

"(b) Any person who, without lawful authority, shall enter, or attempt to enter, any public building, or other property, or part of such building, or other property, against the will of the lawful occupant or of the person lawfully in charge thereof or his or her agent, or being therein or thereon, without lawful authority to remain therein or thereon shall refuse to quit the same on the demand of the lawful occupant, or of the person lawfully in charge thereof or his or her agent, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than \$1,000, imprisonment for not more than 6 months, or both."

Sec. 216. An Act To define and punish vagrancy in the District of Columbia, and for other purposes, approved December 17, 1941 (55 Stat. 808; D.C. Official Code § 22-3501 *et seq.*), is repealed.

Repeal
§§ 22-3501 -
22-3506

Sec. 217. The Bias-Related Crime Act of 1989, effective May 8, 1990 (D.C. Law 8-121; D.C. Official Code § 22-3701 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 22-3701) is amended as follows:

Amend
§ 22-3701

(1) Paragraph (1) is amended by striking the phrase "family responsibility," and inserting the phrase "family responsibility, homelessness," in its place.

(2) A new paragraph (4) is added to read as follows:

"(4) "Homelessness" means:

"(A) The status or circumstance of an individual who lacks a fixed, regular, and adequate nighttime residence; or

"(B) The status or circumstance of an individual who has a primary nighttime residence that is:

"(i) A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare motels, hotels, congregate shelters, and transitional housing for the mentally ill;

"(ii) An institution that provides a temporary residence for individuals intended to be institutionalized; or

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“(iii) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.”.

(b) Section 5 (D.C. Official Code § 22-3704) is amended as follows:

Amend
§ 22-3704

(1) Subsection (a) is amended by striking the phrase “family responsibilities,” and inserting the phrase “family responsibilities, homelessness,” in its place.

(2) Subsection (b) is amended by striking the phrase “family responsibilities,” and inserting the phrase “family responsibilities, homelessness,” in its place.

Sec. 218. Section 2 of the DNA Sample Collection Act of 2001, effective November 3, 2001 (D.C. Law 14-52; D.C. Official Code § 22- 4151), is amended to read as follows:

Amend
§ 22-4151

“Sec. 2. Qualifying offenses.

“(a) The following criminal offenses shall be qualifying offenses for the purposes of DNA collection under the DNA Analysis Backlog Elimination Act of 2000, approved December 19, 2000 (Pub. L. No. 106-546; 114 Stat. 2726):

“(1) Any felony;

“(2) Any offense for which the penalty is greater than one year imprisonment;

“(3) Section 9(b) of An act for the preservation of the public peace and the protection of property within the District of Columbia, approved July 29, 1892 (27 Stat. 324; D.C. Official Code § 22-1312(b)) (lewd, indecent, or obscene acts (knowingly in the presence of a child under the age of 16 years));

“(4) Section 872 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1189; D.C. Official Code § 22-2201) (certain obscene activities involving minors);

“(5) Section 3 of the District of Columbia Protection of Minors Act of 1982, effective March 9, 1983 (D.C. Law 4-173; D.C. Official Code § 22-3102) (sexual performances using minors);

“(6) Section 205 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3006) (misdemeanor sexual abuse);

“(7) Section 209a of the Anti-Sexual Abuse Act of 1994, effective April 24, 2007 (D.C. Law 16-306; D.C. Official Code § 22-3010.01) (misdemeanor sexual abuse of a child or minor); and

“(8) Attempt or conspiracy to commit any of the offenses listed in paragraphs (1) through (7) of this subsection.

“(b) DNA collected by an agency of the District of Columbia shall not be searched for the purpose of identifying a family member related to the individual from whom the DNA sample was acquired.”.

Sec. 219. An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501 *et seq.*), is amended as follows:

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(a) Section 2(a)(2) (D.C. Official Code § 22-4502(a)(2)) is amended by striking the phrase "Columbia," and inserting the phrase "Columbia, or an offense in any other jurisdiction that would constitute a crime of violence or dangerous crime if committed in the District of Columbia," in its place.

Amend
§ 22-4502

(b) Section 3 (D.C. Official Code § 22-4503) is amended to read as follows:

Amend
§ 22-4503

"Sec. 3. Unlawful possession of firearm.

"(a) No person shall own or keep a firearm, or have a firearm in his or her possession or under his or her control, within the District of Columbia, if the person:

"(1) Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

"(2) Is not licensed under section 10 to sell weapons, and the person has been convicted of violating this act;

"(3) Is a fugitive from justice;

"(4) Is addicted to any controlled substance, as defined in section 102(4) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.02(4));

"(5) Is subject to a court order that:

"(A)(i) Was issued after a hearing of which the person received actual notice, and at which the person had an opportunity to participate; or

"(ii) Remained in effect after the person failed to appear for a hearing of which the person received actual notice;

"(B) Restrains the person from assaulting, harassing, stalking, or threatening the petitioner or any other person named in the order; and

"(C) Requires the person to relinquish possession of any firearms (as provided in D.C. Official Code § 16-1005(c)(10));

"(6) Has been convicted of an intrafamily offense, as defined in D.C. Official Code § 16-1001, or a substantially similar offense in another jurisdiction;

"(b)(1) A person who violates subsection (a)(1) of this section shall be sentenced to imprisonment for not more than 10 years and shall be sentenced to imprisonment for a mandatory-minimum term of 1 year, unless she or he has a prior conviction for a crime of violence other than conspiracy, in which case she or he shall be sentenced to imprisonment for not more than 15 years and shall be sentenced to a mandatory-minimum term of 3 years.

"(2) A person sentenced to a mandatory-minimum term of imprisonment under paragraph (1) of this subsection shall not be released from prison or granted probation or suspension of sentence prior to serving the mandatory-minimum sentence.

"(c) A person who violates subsection (a)(2) through (a)(6) of this section shall be sentenced to not less than 2 years nor more than 10 years, fined not more than \$15,000, or both.

"(d) For the purposes of this section, the term:

"(1) "Crime of violence" shall have the same meaning as provided in D.C. Official Code § 23-1331(4), or a crime under the laws of any other jurisdiction that involved

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conduct that would constitute a crime of violence if committed in the District of Columbia, or conduct that is substantially similar to that prosecuted as a crime of violence under the District of Columbia Official Code.

“(2) “Fugitive from justice” means a person who has:

“(A) Fled to avoid prosecution for a crime or to avoid giving testimony in a criminal proceeding; or

“(B) Escaped from a federal, state, or local prison, jail, halfway house, or detention facility or from the custody of a law enforcement officer.”.

Sec. 220. Section 23-110(b) of the District of Columbia Official Code is amended as follows:

Amend
§ 23-110

(a) Designate the existing language as paragraph (1).

(b) A new paragraph (2) is added to read as follows:

“(2) A motion for such relief may be dismissed if the government demonstrates that it has been materially prejudiced in its ability to respond to the motion by the delay in its filing, unless the movant shows that the motion is based on grounds which the movant could not have raised by the exercise of reasonable diligence before the circumstances prejudicial to the government occurred.”.

Sec. 221. Section 23-523(b) of the District of Columbia Official Code is amended by adding the following sentence at the end: “For the purposes of this subsection, the term “hours of daylight” means between 6:00 a.m. and 9:00 p.m.”.

Amend
§ 23-523

Sec. 222. Section 23-581 of the District of Columbia Official Code is amended as follows:

Amend
§ 23-581

(a) Subsection (a)(2) is amended as follows:

(1) Subparagraph (A) is amended by adding the phrase “Malicious burning, destruction or injury of another’s property section 848 (D.C. Official Code § 22-303).” after the phrase “Unlawful entry (D.C. Official Code sec. 22-3302).”.

(2) Subparagraph (B) is amended to read as follows:

“(B) The following offense specified in the Omnibus Public Safety Amendment Act of 2006, effective April 24, 2007 (D.C. Law 16-306; 53 DCR 8610):

“Offense	Specified in
“Voyeurism.....	Section 105 (D.C. Official Code § 22-3531).”.

(b) New subsections (a-4) and (a-5) are added to read as follows:

“(a-4) A law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe the person has committed the offense of unlawful entry of a motor vehicle as provided in section 102 of the Omnibus Public Safety and Justice Amendment Act of 2009, passed on 3rd reading on July 31, 2009 (Enrolled version of Bill 18-151).

“(a-5) A law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe the person has committed the offense of tampering with a

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detection device as provided in section 103 of the Omnibus Public Safety and Justice Amendment Act of 2009, passed on 3rd reading on July 31, 2009 (Enrolled version of Bill 18-151).”.

Sec. 223. Section 23-1322(c) of the District of Columbia Official Code is amended as follows:

Amend
§ 23-1322

(a) The lead-in language is amended by striking the phrase “a substantial probability” and inserting the phrase “probable cause” in its place.

(b) Paragraph (b) is amended by striking the word “or” at the end.

(c) Paragraph (7) is amended to read as follows:

“(7) Violated § 22-4504(a) (carrying a pistol without a license), § 22-4504(a-1) (carrying a rifle or shotgun), § 22-4504(b) (possession of a firearm during the commission of a crime of violence or dangerous crime), § 22-4503 (unlawful possession of a firearm) or section 101 of the Omnibus Public Safety and Justice Amendment Act of 2009, passed on 3rd reading on July 31, 2009 (Enrolled version of Bill 18-151) (presence in a motor vehicle containing a firearm); or”.

(d) A new paragraph (8) is added to read as follows:

“(8) Violated Title VIII of the Firearms Control Regulations Act of 1975, passed on 3rd reading on July 31, 2009 (Enrolled version of Bill 18-151), while on probation, parole, or supervised release for committing a dangerous crime or a crime of violence, as these crimes are defined in § 23-1331, and while armed with or having readily available a firearm, imitation firearm, or other deadly or dangerous weapon as described in § 22-4502(a).”.

Sec. 224. Section 47-2811(a) of the District of Columbia Official Code is amended to read as follows:

Amend
§ 47-2811

“(a) No person shall offer or administer for commercial purposes a massage unless licensed pursuant to Chapter 12 of Title 3.”.

Sec. 225. Section 204(5) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-902.04(5)), is amended as follows:

Amend
§ 48-902.04

(a) Subparagraph (A) is amended by striking the word “and” at the end.

(b) Subparagraph (B) is amended by striking the period at the end and inserting the phrase “; and” in its place.

(c) A new subparagraph (C) is added to read as follows:

“(C) Cathinone.”.

Sec. 226. Section 3 of the Anti-Loitering/Drug Free Zone Act of 1996, effective June 3, 1997 (D.C. Law 11-270; D.C. Official Code § 48-1002), is amended as follows:

Amend
§ 48-1002

(a) Subsection (a) is amended by striking the phrase “240 consecutive hours” and inserting the phrase “480 consecutive hours” in its place.

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(b) Subsection (b)(1) and (2) is amended to read as follows:

“(1) Within the preceding 6-month period, the occurrence of a disproportionately high number of:

“(A) Arrests for the possession or distribution of illegal drugs in the proposed drug free zone;

“(B) Police reports for dangerous crimes (as defined in D.C. Official Code § 23-1331(3)) that were committed in the proposed drug free zone; or

“(C) Police reports for crimes of violence (as defined in D.C. Official Code § 23-1331(4)) that were committed in the proposed drug free zone;

“(2) Any number of homicides that were committed in the proposed drug free zone.”.

Sec. 227. The Distracted Driving Safety Act of 2004, effective March 30, 2004 (D.C. Law 15-124; D.C. Official Code § 50-1731.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 50-1731.02) is amended as follows:

Amend
§ 50-1731.02

(1) A new paragraph (4A) is added to read as follows:

“(4A) “Text” or “texting” means using an electronic wireless communications device to compose, send, receive, or read a written message or image using a text-based communication system, including communications referred to as a text message, instant message, or electronic mail.”.

(2) Paragraph (5) is amended to read as follows:

“(5) “Use” means talking, placing, texting, or receiving a call, or attempting to place, text, or receive a call, on a wireless communications device, including a mobile telephone.”.

(b) Section 6(a) (D.C. Official Code § 50-1731.06(a)) is amended by adding a new sentence at the end to read as follows:

Amend
§ 50-1731.06

“The suspension shall not apply to violations related to texting.”.

Sec. 228. Section 10(b) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.05(b)), is amended as follows:

Amend
§ 50-2201.05

(a) Paragraph (1) is amended as follows:

(1) Subparagraphs (B) and (C) are amended to read as follows:

“(B)(i) Any person convicted of a second offense under subparagraph (A)(i) of this paragraph shall be sentenced pursuant to sub-subparagraph (iii) of this subparagraph if the second offense occurs within 15 years of the conviction for the first offense under subparagraph (A)(i) of this paragraph.

“(ii) Any person who is convicted of an offense listed in subparagraph (A)(i) of this paragraph following a previous conviction for a violation of paragraph (2) of this subsection shall be sentenced pursuant to sub-subparagraph (iii) of this subparagraph if the offense listed in subparagraph (A)(i) of this paragraph occurs within 15 years of the prior conviction under paragraph (2) of this subsection.

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“(iii) Any person convicted of a subsequent offense pursuant to sub-subparagraphs (i) or (ii) of this subparagraph shall be fined not less than \$1,000 and not more than \$5,000, and sentenced to a term of imprisonment of not more than one year and not less than a mandatory-minimum of 5 days, which shall be imposed and not suspended. In addition to the mandatory-minimum and any additional term of imprisonment which may be imposed, the court may impose a sentence of at least 30 days of community service in accordance with D.C. Official Code § 16-712.

“(iv) In addition to the penalty authorized in sub-subparagraph (iii) of this subparagraph, if the person's alcohol concentration was at least 0.20 grams per 100 milliliters of blood or per 210 liters of breath, or was at least 0.25 grams per 100 milliliters of urine, but was not more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath, or was not more than 0.32 grams per 100 milliliters of urine, the person shall be imprisoned for an additional mandatory-minimum period of 10 days, or if the person's alcohol concentration was more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath or more than 0.32 grams per 100 milliliters of urine, the person shall be imprisoned for an additional mandatory-minimum period of 20 days. The additional mandatory-minimum periods of imprisonment shall not be suspended by the court.

“(C)(i) Any person convicted of a third or subsequent offense listed under subparagraph (A)(i) of this paragraph shall be sentenced pursuant to sub-subparagraph (iii) of this subparagraph if the third or subsequent offense occurs within 15 years of the prior conviction.

“(ii) Any person who is convicted of a second offense under subparagraph (A)(i) of this paragraph following a previous conviction for a violation of paragraph (2) of this subsection shall be sentenced pursuant to subsection sub-subparagraph (iii) of this subparagraph if the second offense occurs within 15 years of the prior conviction under paragraph (2) of this subsection.

“(iii) Any person convicted of a subsequent offense pursuant to sub-subparagraph (i) or (ii) of this subparagraph shall be fined an amount not less than \$2,000 and not more than \$ 10,000, and sentenced to a term of imprisonment of not more than one year and not less than a mandatory-minimum of 10 days, which shall be imposed and not suspended. In addition, the person may be required to perform at least 60 days of community service in accordance with D.C. Official Code § 16-712.

“(iv) In addition to the penalty authorized in sub-subparagraph (iii) of this subparagraph, if the person's alcohol concentration was at least 0.20 grams per 100 milliliters of blood or per 210 liters of breath, or was at least 0.25 grams per 100 milliliters of urine, but was not more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath, or was not more than 0.32 grams per 100 milliliters of urine, the person shall be imprisoned for an additional mandatory-minimum period of 15 days, or if the person's alcohol concentration was more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath or 0.32 grams per 100 milliliters of urine, the person shall be imprisoned for an additional mandatory-

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minimum period of 25 days. The additional mandatory-minimum periods of imprisonment shall not be suspended by the court.”.

(2) Subparagraph (D) is amended as follows:

(A) Strike the phrase “for a violation” and insert the phrase “of a violation” in its place.

(B) Strike the phrase “benefitting children or, for a subsequent offense, 80 hours of community service in such program” and insert the phrase “benefitting children for the first such offense and 80 hours of community service for a subsequent such offense” in its place

(b) Paragraph (2) is amended to read as follows:

“(2)(A) No person shall, while the person's ability to operate a vehicle is impaired by the consumption of intoxicating liquor, operate or be in physical control of any vehicle in the District.

“(B) Any person violating any provision of subparagraph (A) of this paragraph, upon conviction for the first offense, unless the person has previously been convicted for a violation of paragraph (1) of this subsection, shall be fined not less than \$200 and not more than \$300 and may be imprisoned for not more than 30 days.

“(C) Any person convicted of a second offense under subparagraph (A) of this paragraph shall be sentenced pursuant to subparagraph (E) of this paragraph if the second offense occurs within 15 years of a conviction for a first offense under subparagraph (A) of this paragraph.

“(D) Any person convicted of an offense under subparagraph (A) of this paragraph following a prior conviction for a violation of paragraph (1)(A)(i) of this subsection shall be sentenced pursuant to subparagraph (E) of this paragraph if the offense under subparagraph (A) of this paragraph occurs within 15 years of the prior conviction for an offense listed under paragraph (1)(A)(i) of this subsection.

“(E) Any person convicted of an offense under subparagraph (A) of this paragraph pursuant to subparagraphs (C) or (D) of this paragraph shall be fined not less than \$300 and not more than \$500 and sentenced to a term of imprisonment of not more than one year and not less than a mandatory-minimum of 5 days, which shall be imposed and not suspended. In addition, the person may be required to perform at least 30 days of community service in accordance with D.C. Official Code § 16-712.

“(F) Any person convicted of a third or subsequent offense under subparagraph (A) of this paragraph shall be fined not less than \$1,000 and not more than \$5,000 and sentenced to a term of imprisonment of not more than one year and not less than a mandatory-minimum of 10 days, which shall be imposed and not suspended. In addition, the person may be required to perform at least 60 days of community service in accordance with D.C. Official Code § 16-712.

“(G) Any person convicted of a second offense under subparagraph (A) of this paragraph who has previously been convicted of an offense listed under paragraph (1)(A)(i) of this subsection shall, if the second offense occurs within 15 years of the prior

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conviction for an offense listed under paragraph (1)(A)(i) of this subsection, be fined in an amount not less than \$1,000 and not more than \$5,000 and sentenced to a period of imprisonment of not more than one year and not less than a mandatory-minimum of 10 days, which shall be imposed and not suspended. In addition, the person may be required to perform at least 60 days of community service in accordance with D.C. Official Code § 16-712.”.

Sec. 229. Section 2 of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Official Code § 50-2205.02), is amended as follows:

Amend
§ 50-2205.02

(a) Paragraph (1) is amended by striking the phrase “0.05 grams or less” and inserting the phrase “less than 0.05 grams” in its place.

(b) Paragraph (2) is amended to read as follows:

“(2) If at the time of testing, defendant’s alcohol concentration was 0.05 grams or more per 100 milliliters of blood or per 210 liters of breath or more than 0.06 grams per 100 milliliters of urine, but less than 0.08 grams per 100 milliliters of blood or per 210 liters of breath or less than 0.10 grams per 100 milliliters of urine, this evidence shall constitute prima facie proof that the defendant was, at the time, under the influence of intoxicating liquor.”.

TITLE III CONFORMING AMENDMENTS

Sec. 301. Section 6(f) of the Innocence Protection Act of 2001, effective May 17, 2002 (D.C. Law 14-134; D.C. Official Code § 22-4135(f)), is amended by striking the phrase “if it appears that the government has been prejudiced” and inserting the phrase “if the government demonstrates that it has been materially prejudiced” in its place.

Amend
§ 22-4135

Sec. 302. Section 806(b) through (e) of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-404(b) through (e)), is repealed.

Amend
§ 22-404

TITLE IV DOMESTIC PARTNERSHIP AND CHILD SUPPORT

Sec. 401. Section 16-801(9)(Z) of the District of Columbia Official Code is amended by striking the phrase “Attempted theft” and inserting the term “Attempted identify theft” in its place..

Amend
§ 16-801

Sec. 402. Section 16-909 of the District of Columbia Official Code is amended as follows:

Amend
§ 16-909

(a) Subsection (a-1)(2) is amended to read as follows:

“(2) There shall be a presumption that a woman is the mother of a child if she and the child’s mother are or have been married, or in a domestic partnership, at the time of

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either conception or birth, or between conception or birth, and the child is born during the marriage or domestic partnership, or within 300 days after the termination of marital cohabitation by reason of death, annulment, divorce, or separation ordered by a court, or within 300 days after the termination of the domestic partnership pursuant to § 32-702(d)).”.

(b) Subsection (e)(2) is amended by adding the following sentence at the beginning of the paragraph: “A donor of semen to a person for artificial insemination, other than the donor’s spouse or domestic partner, is not a parent of a child thereby conceived unless the donor and the person agree in writing that said donor shall be a parent.”.

Sec. 403. Section 16-916.01(g)(1) of the District of Columbia Official Code is amended to read as follows:

Amend
§ 16-916.01

“(g)(1)(A) A parent with a legal duty to pay support may maintain a self-support reserve as provided in this subsection. The self-support reserve shall be calculated at 133% of the United States Department of Health and Human Services poverty guideline per year for a single individual. The self-support reserve shall be updated by the Mayor every 2 years with the updated amount to be published in the District of Columbia Register and made effective as of April 1.

“(B) As of April 1, 2007, the self-support reserve shall be \$12,382.

“(C) As of April 1, 2009, the self-support reserve shall be \$14,404. The Child Support Services Division of the Office of the Attorney General shall act promptly to ensure that all child support orders entered into on or after April 1, 2009 are modified, as appropriate and as permitted under applicable law, to incorporate the April 1, 2009 adjustment.”.

Sec. 404. The Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001 *et seq.*), is amended as follows:

Amend
§ 22-3001

(a) Section 101 (D.C. Official Code § 22-3001) is amended by adding new paragraphs (4A) and (4B) to read as follows:

“(4A) “Domestic partner” shall have the same meaning as provided in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)).

“(4B) “Domestic partnership” shall have the same meaning as provided in section 2(4) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(4)).”.

(b) Section 216(b) (D.C. Official Code § 22-3017(b)) is amended by striking the phrase “Marriage between the defendant and victim” and inserting the phrase “That the defendant and victim were married or in a domestic partnership” in its place.

Amend
§ 22-3017

Sec. 405. Section 3(h) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-702(h)), is amended by striking the word “government” and inserting the phrase “District government” in its place.

Amend
§ 32-702

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TITLE V
STALKING

Sec. 501. Legislative intent.

(a) The Council finds that stalking is a serious problem in this city and nationwide. Stalking involves severe intrusions on the victim's personal privacy and autonomy. It is a crime that can have a long-lasting impact on the victim's quality of life, and creates risks to the security and safety of the victim and others, even in the absence of express threats of physical harm. Stalking conduct often becomes increasingly violent over time. The Council recognizes the dangerous nature of stalking as well as the strong connections between stalking and domestic violence and between stalking and sexual assault. Therefore, the Council enacts this law to encourage effective intervention by the criminal justice system before stalking escalates into behavior that has even more serious or lethal consequences.

(b) The Council enacts this stalking statute to permit the criminal justice system to hold stalkers accountable for a wide range of acts, communications, and conduct. The Council recognizes that stalking includes a pattern of following or monitoring the victim, or committing violent or intimidating acts against the victim, regardless of the means.

Sec. 502. Definitions.

For the purposes of this title, the term:

(1) "Any device" means electronic, mechanical, digital or any other equipment, including: a camera, spycam, computer, spyware, microphone, audio or video recorder, global positioning system, electronic monitoring system, listening device, night-vision goggles, binoculars, telescope, or spyglass.

(2) "Any means" includes the use of a telephone, mail, delivery service, e-mail, website, or other method of communication or any device.

(3) "Communicating" means using oral or written language, photographs, pictures, signs, symbols, gestures, or other acts or objects that are intended to convey a message.

(4) "Emotional distress" means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling;

(5) "Financial injury" means the monetary costs, debts, or obligations incurred as a result of the stalking by the specific individual, member of the specific individual's household, a person whose safety is threatened by the stalking, or a person who is financially responsible for the specific individual and includes:

(A) The costs of replacing or repairing any property that was taken or damaged;

(B) The costs of clearing the specific individual's name or his or her credit, criminal, or any other official record;

(C) Medical bills;

(D) Relocation expenses;

(E) Lost employment or wages; and

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(F) Attorney's fees.

(6) "Personal identifying information" shall have the same meaning as provided in section 127a(3) of the District of Columbia Theft and White Collar Crimes Act of 1982, effective March 27, 2004 (D.C. Law 15-106; D.C. Official Code § 22-3227.01(3))

(7) "Specific individual" or "individual" means the victim or alleged victim of stalking.

(8) "To engage in a course of conduct" means directly or indirectly, or through one or more third persons, in person or by any means, on 2 or more occasions, to:

(A) Follow, monitor, place under surveillance, threaten, or communicate to or about another individual;

(B) Interfere with, damage, take, or unlawfully enter an individual's real or personal property or threaten or attempt to do so; or

(C) Use another individual's personal identifying information.

Sec. 503. Stalking.

(a) It is unlawful for a person to purposefully engage in a course of conduct directed at a specific individual:

(1) With the intent to cause that individual to:

(A) Fear for his or her safety or the safety of another person;

(B) Feel seriously alarmed, disturbed, or frightened; or

(C) Suffer emotional distress;

(2) That the person knows would cause that individual reasonably to:

(A) Fear for his or her safety or the safety of another person;

(B) Feel seriously alarmed, disturbed, or frightened; or

(C) Suffer emotional distress; or

(3) That the person should have known would cause a reasonable person in the individual's circumstances to:

(A) Fear for his or her safety or the safety of another person;

(B) Feel seriously alarmed, disturbed, or frightened; or

(C) Suffer emotional distress.

(b) This section does not apply to constitutionally protected activity.

(c) Where a single act is of a continuing nature, each 24-hour period constitutes a separate occasion.

(d) The conduct on each of the occasions need not be the same as it is on the others.

Sec. 504. Penalties.

(a) Except as provided in subsections (b) and (c) of this section, a person who violates section 503 shall be fined not more than \$1,000, imprisoned for not more than 12 months, or both.

(b) A person who violates section 503 shall be fined not more than \$10,000, imprisoned for not more than 5 years, or both, if the person:

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- (1) At the time, was subject to a court, parole, or supervised release order prohibiting contact with the specific individual;
 - (2) Has one prior conviction in any jurisdiction of stalking any person within the previous 10 years;
 - (3) At the time, was at least 4 years older than the specific individual and the specific individual was less than 18 years of age; or
 - (4) Caused more than \$ 2,500 in financial injury.
- (c) A person who violates section 503 shall be fined not more than \$ 25,000, imprisoned for not more than 10 years, or both, if the person has 2 or more prior convictions in any jurisdiction for stalking any person, at least one of which was for a jury demandable offense.
- (d) A person shall not be sentenced consecutively for stalking and identify theft based on the same act or course of conduct.

Sec. 505. Jurisdiction.

(a) An offense shall be deemed to be committed in the District of Columbia if the conduct on at least one occasion was initiated in the District of Columbia or had an effect on the specific individual in the District of Columbia.

(b) A communication shall be deemed to be committed in the District of Columbia if it is made or received in the District of Columbia or, if the specific individual lives in the District of Columbia, it can be electronically accessed in the District of Columbia.

TITLE VI
PROFESSIONAL SECURITY

DCMR

Sec. 601. The Regulation Establishing Standards for Certification and Employment for Security Officers, issued December 1, 1974 (Reg. 74-31; 17 DCMR § 2100 *et seq.*), is amended by repealing section 2127.1 through 2127.5.

TITLE VII
GOOD TIME CREDITS

Sec. 701. Section 3(a) of the District of Columbia Good Time Credits Act of 1986, effective April 11, 1987 (D.C. Law 6-218; D.C. Official Code § 24-221.01(a)), is amended as follows:

Amend
§ 24-221.01

- (a) Strike the word "completing" and insert the phrase "participating in" in its place.
- (b) Strike the sentence "These credits shall not be awarded until completion of the academic or vocational program."

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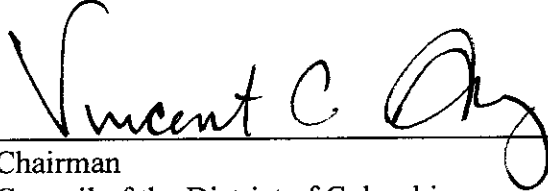
TITLE VIII

Sec. 801. Fiscal impact statement.

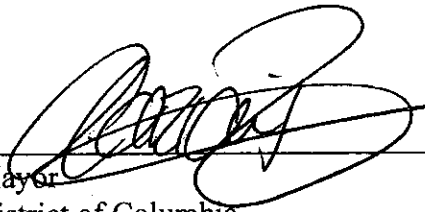
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 802. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of Congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
AUGUST 26, 2009